



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 16.06.2022

ORDER PRONOUNDED ON : 22 .06.2022

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.3775 of 2022

and

WMP (MD) .No. 3283 of 2022

RDB College of Education
Represented by its Director Mr.K.Karalmarks
No.328, Salyamangalam Main Road
Papanasam 614 205
Thanjavur District

...Petitioner

Vs

The Registrar Tamil Nadu Teachers Education University
Kangaianman Koil Street
Karapakkam, Chennai 600 097

...Respondent

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to permit 83 students to write their 1st Semester Examination of B.Ed., and publish the result for the academic year 2021-2022 to be held on 28.02.2022 onwards.

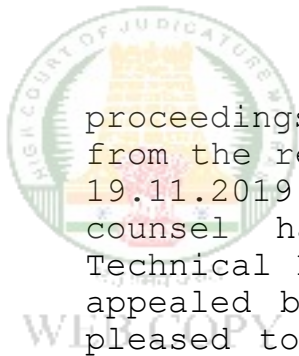
For Petitioner : Mr.C.Robert Bruce

For Respondent : Mr.F.Deepak

ORDER

The writ petition has been filed seeking a Mandamus directing the respondent to permit 83 students to write their 1st Semester Examination of B.Ed., and publish the result for the academic year 2021-2022.

2.According to the learned counsel for the petitioner, the petitioner Institution is recognised by the National Council for Teacher Education as well as by the respondent University. The learned counsel had further contended that the institution <https://ncert.nic.in/> obtained recognition from NCTE in the year 2007 vide



proceedings dated 30.08. 2007. The institution also got affiliation from the respondent University vide proceedings dated 06.08.2009 and 19.11.2019 for the academic year 2019-2020 to 2021-2022. The learned counsel had further submitted that the National Council for Technical Education withdrew the recognition on 27.08.2021 and they appealed before the Appeal Committee and the Appeal Committee was pleased to withdraw the said order on 15.12.2021 and directed the Southern Regional Committee to pass order. Thereafter, the National Council for Teacher Education, Southern Regional Committee issued continuation of recognition order on 02.02.2022.

3.The learned counsel for the petitioner had further contended that the petitioner institution had admitted 100 students for the academic year 2021-2022 and they have paid the approval fees through online to the University on 23.10.2021. According to the learned counsel for the petitioner, the students have been admitted before the order of withdrawal of the recognition was issued by the National Council for Teacher Education. He had further contended that once the recognition is restored by the National Council for Technical Education, automatically the affiliation of the respondent University also gets restored. Hence he contended that the students admitted prior to the withdrawal of the recognition order should be permitted to write the examination. The respondent University is refusing to furnish hall ticket to the students on the ground that it has to be approved in a Syndicate committee of the University. Since there is a delay in convening the Syndicate committee, the present writ petition has been filed seeking a Mandamus directing the respondent to permit 83 students to appear in the 1st Semester Examination of B.Ed., and publish the result for the academic year 2021-2022.

4.Per contra, the learned counsel appearing for the respondent University contended that the order of the recognition was withdrawn by the National Council for Teacher Education on 27.08.2009. Thereafter, the petitioner institution is not entitled to admit any student. Pursuant to the said order of the National Council for Teacher Education, on 02.09.2021 the University has also passed an order withdrawing the affiliation issued to the respondent. Thereafter, the Appellate Authority of National Council for Teacher Education has set aside the order of NCTE and remitted the matter back to the Southern Regional Committee to pass orders. The Southern Regional Committee passed an order granting continuation order in favour of the writ petitioner only on 02.02.2022. According to the learned counsel for the respondent once recognition is withdrawn, the affiliation to the respondent University would automatically get withdrawn in view of Section 17(3) of National Council for Teacher Education Act, 1993. He had further contended that the University had passed an order revoking the affiliation on 02.09.2021 which was subject to the result of the resolution to be passed by the University syndicate. Hence, he contended that the affiliation to the respondent University is only with prior approval of the Syndicate.



5.The learned counsel for the respondent had further contended that the recognition to the writ petitioner institution was restored only on 02.02.2022. He had pointed out that in the order by the Appeal Committee of NCTE dated 15.12.2021 only the order revoking the recognition was set aside, no positive orders were passed granting recognition in favour of the petitioner institution. Only on 02.02.2022 recognition was granted in favour of the petitioner institution by the Southern Regional Committee of National Council for Teacher Education. He had further pointed out that the students were admitted in the petitioner institution for the academic year 2021-2022 only after recognition was withdrawn. According to the learned counsel for the respondent, admission to the Government and aided educational colleges started only in November 2021. Hence, the contention of the writ petitioner institution that they have already admitted the students prior to the withdrawal of the recognition namely 27.08.2021 may not be factually correct. When the students were admitted by the petitioner institution after withdrawal of recognition and the petitioner institution was re-granted recognition only in February 2022, the question of granting affiliation to the petitioner would not be within the powers of the respondent University. He had further contended that once recognition is restored, the petitioner institution has to again apply for affiliation before 10.12.2021. In the present case, recognition itself was restored only on 02.02.2022 and hence, the issue of applying before 10.12.2021 for affiliation does not arise. Hence, the respondent University will not be in a position to consider the request for approval of the students admitted in the petitioner institution for the academic year 2021-2022. Hence, he prayed for dismissal of the writ petition.

6.I have considered the submissions made on either side.

7.The petitioner institution was originally granted recognition on 30.08.2007 by the National Council for Technical Education. The said recognition was followed by an order of affiliation by the respondent University. The recognition was withdrawn by the National Council for Teacher Education on 27.08.2021. It was immediately followed by the order of the University dated 02.09.2021 withdrawing the affiliation as contemplated under Section 17(3) of NCTE Act, 1993. It has been specifically informed in the said communication of the University that they shall not admit the students in the academic year 2021-2022 in their B.Ed. Course. In case if the students are admitted, the University will not take responsibility of the same.

8.The learned counsel for the petitioner has contended that they have admitted the students even prior to the withdrawal of recognition. However, a perusal of Paragraph No.8 of the writ affidavit clearly indicate that the petitioner institution has paid application fees through online for 100 students admitted for the



academic year 2021 only on 23.10.2021. This application for approval by the petitioner institution has been made not only after the recognition is withdrawn by the National Counsel for Technical Education but also after the affiliation was cancelled by the respondent university. Hence, it is clear that the petitioner institution had admitted the students after the NCTE has withdrawn the recognition and the cancellation of the affiliation by the respondent University. In fact, the respondent University in their communication dated 02.09.2021 have clearly warned the petitioner institution not to admit any student for the academic year 2021-2022. Unmindful of the said warning, the petitioner institution has proceeded to admit the students after cancellation of the affiliation.

9. In view of the admission of the students in violation of the warning issued by the respondent University on 02.09.2021, the petitioner institution has no legal right whatsoever to admit the students thereafter. When the petitioner college has no legal right, the question of issuing a mandamus directing the respondent University to approve the students and to permit them to appear for the Semester examination or to publish the result would not arise. In fact, due to paucity of time to decide the issue, this Court has permitted the students to appear for examination which was made subject to the result of the writ petition. Since this Court has arrived at a finding that the very admission of the students after the withdrawal of the recognition and cancellation of the affiliation is bad in the eye of law, the question of issuing a mandamus directing the University to approve the admission or publish the result would not arise.

10. In view of the above said discussion, the writ petition is devoid of any merit and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

Msa

To

The Registrar Tamil Nadu Teachers Education University
Kangaiamman Koil Street
Karapakkam, Chennai 600 097

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.C. ROBERT BRUCE, Advocate (SR-27634[F] dated 23/06/2022)

+1 CC to M/s.F. DEEPAK, Advocate (SR-27635[F] dated 23/06/2022)

order made in
W.P. (MD) .No.3775 of 2022
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SS/04/07/2022/ 5P 4C