



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P.(MD)No.5349 of 2022 &
W.M.P.(MD)Nos.4355 to 4357 of 2022**

Bharathidasan University,
Rep. Through its Registrar,
Palkalaiperur,
Tiruchirappalli – 620 024.

... Petitioner

Vs.

1. The National Council for Teacher Education,
Through its Regional Director,
Southern Regional Committee,
G-7, Sector – 10 (Near Sector 10 Metro Station),
Dwaraka, New Delhi – 110 075.

2. The University Grants Commission,
Through its Chairman,
UGC Distance Education Bureau,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings dated 29.11.2021 of the second respondent in File No.21-58/2020 (DEB-IV) Name of HEI : Bharathidasan University, in so far as it negatives the approval of the courses of B.Ed., M.B.A., and M.C.A., alone and quash the same and consequently direct the respondents to approve the said



courses through Distant Education Mode.

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For Petitioner : Mr.VR.Shanmuganathan

For R-1 : Mr.Su.Srinivasan,
Standing Counsel.

For R-2 : Mr.Alaguram Jothi,
Standing Counsel.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for the first respondent and the learned Standing counsel appearing for the second respondent.

2. The writ petitioner is an University under the Tamil Nadu Act 2 of 1982. The petitioner is imparting education by conducting a number of courses under various disciplines. They include B.Ed., M.C.A., and M.B.A. When the petitioner approached the second respondent seeking renewal of approval for conducting such courses, the second respondent denied permission for the aforesaid three courses for the



academic year commencing 2020-21. In the impugned order, the reason set out for such denial is that for conducting B.Ed. course affiliation from the National Council for Teacher Education had not been obtained and for conducting M.B.A. and M.C.A. courses approval from the All India Council for Technical Education had not been obtained. That led to the filing of this writ petition.

3. The writ petition was filed in March 2022. Since the admission for the current academic year had already commenced, the learned counsel appearing for the petitioner made a mention and that is why, the matter has been taken up for final disposal. In the intervening period, the National Council for Teacher Education had already granted approval for conducting B.Ed. course in favour of the petitioner.

4. As regards obtaining of approval from the All India Council for Technical Education, the issue had already been concluded by the decision of the Hon'ble Supreme Court in ***Civil Appeal No.1145 of 2004 dated 25.04.2013 (Association of Management of Private Colleges V. All India Council for Technical Education and Others)***, the



following first question of law was framed:-

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“ a) Whether the colleges affiliated to University are obliged to take separate permission / approval from the AICTE to run classes in Technical Courses in which the affiliated university of the colleges is not required to obtain any permission / approval under the AICTE Act itself? ”

5. Answering the same, the Hon'ble Supreme Court held that since the amended regulation framed under Section 24 of AICTE Act had not been placed before the Parliament, the issue was answered in favour of the appellant therein.

6. It is asserted by the petitioner's counsel that till date the amended regulation has not been so placed. Therefore, I hold that the reason set out in the impugned order for denying the approval for the petitioner to conduct M.B.A. And M.C.A. courses is not sustainable. The order impugned in this writ petition is set aside. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2022

Index : Yes / No

Internet : Yes/ No



Note : Issue order copy on 14.07.2022.

To:

1. The National Council for Teacher Education,
Through its Regional Director,
Southern Regional Committee,
G-7, Sector – 10 (Near Sector 10 Metro Station),
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G.R.SWAMINATHAN,J.

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