



1

W.P.(MD)Nos.15268 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.15268, 15289 & 15435 of 2022

and

W.M.P.(MD)Nos.10928, 10945 and 11069 of 2022

S.B.G.Sanskrit Mission B.Ed. College,
Rep. by its Correspondent,
Mr.R.Senthamarai,
Bazar Street, Mutharasanallur,
Trichy – 620 101.

... Petitioner

in W.P.(MD)No.15268 of 2022

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

... Petitioner

in W.P.(MD)No.15289 of 2022

Mr.B.Sivakumar,
Chairman,
J.K.College of Education,
J.K.Nagar, NH-7, Madurai Road,
Begampur Post – 624 001,
Dindigul District.

... Petitioner

in W.P.(MD)No.15435 of 2022

Vs.

The Registrar,
Tamil Nadu Teachers Education University,
Kangaiaammankoil Street,
Karapakkam, Chennai – 600 097.

... Respondents
in all petitions



WEB COPY

Prayer in W.P.(MD)No.15268 of 2022 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit 87 students (students list enclosed in annexure separately) to write their second semester examination of B.Ed. for the academic year 2021-2022 to be held from 15.07.2022 to write their first semester 1st two exams, namely, Education Physiology and Contemporary India and Education Science onwards or any other subsequent dates and publish the result along with the other colleges.

Prayer in W.P.(MD)No.15289 of 2022 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit 100 students (students list enclosed in annexure separately) to write their second semester examination of B.Ed. for the academic year 2021-22 to be held from 15.07.2022 onwards or any other subsequent dates and publish the result.

Prayer in W.P.(MD)No.15435 of 2022 : Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent University to permit the students of the petitioner's institution, namely J.K.College of Education, Begampur, Dindigul District who were admitted in B.Ed., and M.Ed., degree course to write the forthcoming B.Ed. and M.Ed. Degree examinations scheduled to be commenced from 15.07.2022 and to declare their results.



(In all W.Ps.)

For Petitioner : Mr.C.Robert Bruce
in W.P.(MD)Nos.15268 &
15289 of 2022.
Mr.M.Saravanakumar
in W.P.(MD)No.15435 of 2022.
For Respondents: Mr.F.Deepak,
Standing counsel.

* * *

COMMON ORDER

Heard the learned counsel on either side.

2. It is brought to my notice that on an identical issue, a learned Judge sitting the Principal Seat has taken a contra view. Since I do not want to strike a different note, the orders dated 14.07.2022 in these writ petitions is recalled.

3. These writ petitions are disposed of on the same lines in consonance with the order dated **14.07.2022** in **W.P. (MD)No.18039 of 2022 etc. batch (Lakshmi Ammal**



College of Education, Thiruvannamalai District and others V. Tamil Nadu Teacher Education University, Chennai). The said order reads is as follows:-

“ These writ petitions have been filed by various colleges on behalf of their students, who have to write their Second Semester B.Ed Examination for the Academic Year 2021-2022 to be held from 15.07.2022 onwards.

2. According to the respective petitioner, they are having recognition from the first respondent University for conducting B.Ed Course, but, according to them, since Syndicate meeting has not been held, affiliation is yet to be granted. It is also the contention of the petitioners that for the first semester, the students were permitted to write the examination pursuant to the direction given by this Court. The petitioners seek for similar direction from this Court in respect of the second semester examination also to be held from 15.07.2022 onwards.

3. According to the learned counsel for the petitioners, for all the colleges for whom writ petitions



WEB COPY

have been filed, recognition from National Council for Teacher Education (NCTE) is available. However, learned Standing Counsel appearing for the first respondent University would submit that few colleges are not having recognition from NCTE.

4. However, learned Standing Counsel for the first respondent University would submit that in respect of Amman College of Education, who is the petitioner in W.P.No.18104 of 2022, the affiliation sought for by the petitioner Institution was rejected by the Syndicate on 15.02.2022 itself. According to the learned Standing Counsel, having not challenged the said order, the students in the said College, cannot be permitted to write the second semester examination for the B.Ed Course for the academic year 2021-2022. However, the same is disputed by the learned Senior Counsel appearing for the Amman College of Education, who submits that no notice was given to the said College about passing of an order by Syndicate on 15.02.2022.



5. Learned Senior Counsel for the petitioner

WEB COPY

also drew the attention of this Court to the interim order passed by this Court on 28.02.2022 in W.P.Nos. 4491 of 2022 etc., batch and submits that there is no restriction/prohibition for the students of Amman College of Education to write the examination as no final decision has been taken by the Syndicate with regard to the affiliation application submitted by Amman College of Education. Learned Senior Counsel submits that insofar as the remaining colleges are concerned, who have also filed writ petitions, their affiliation applications are under consideration by Syndicate.

6. However, learned Standing Counsel appearing for the first respondent University would submit that since final order has been passed by the Syndicate on 15.02.2022 itself rejecting the application submitted by Amman College of Education for affiliation, the question of permitting their students to write second semester examination will not arise.



WEB COPY

7. The order dated 15.02.2022 passed by the Syndicate, produced by the learned Standing Counsel appearing for the first respondent University, pertains only to Amman College of Education. It is contended by the learned Standing Counsel for the first respondent University that in respect of some other colleges, permission was sought from this Court for the students to write examination who were admitted beyond the cut off date and in the final order dated 06.07.2022 passed by the learned Single Judge of this Court in W.P.Nos.4491 of 2022 etc., batch, it was made clear that the students who have been admitted after the cut off date cannot be permitted to write the examination. However, the same is disputed by the learned counsel for the petitioners.

8. After hearing the rival submissions, this Court observes the following:

a) For the first semester, the students have been permitted to write the examination pursuant to the order passed by this Court on 28.02.2022 in WP No.4491 of 2022 etc., batch ;



WEB COPY

b) All the respective petitioners categorically contend that they are having recognition from the second respondent;

c) The students of the respective petitioners are continuing the course in the respective institutions till date and they have been attending classes.

d) It is also contended by the respective petitioners that they have been running colleges for several years and they were also granted provisional affiliation earlier by the first respondent.

e) The petitioners are not pleading any equity and that they make it clear that they will abide by any decision that is taken by the Syndicate of the first respondent University.

f) In the order dated 06.07.2022 passed by the learned Single Judge of this Court in W.P.Nos.4491 of 2022 etc., batch, it is made clear that the students who have been admitted after the cut off date cannot be permitted to write the examination.

9. After recording the aforementioned observations and since the students have been



WEB COPY

permitted to write their first semester examination, they cannot be deprived to write their second semester examination, which is scheduled to be held from 15.07.2022 onwards before deciding the issue which is the subject matter of these writ petitions on merits and in accordance with law.

10. The contentions of the respondents in these writ petitions will have to be considered on merits and in accordance with law. However, the permission granted to the petitioners to permit the students to write the examination is subject to the decision of the Syndicate of the first respondent / University. The petitioner and the students shall abide by the said decision. It is made clear that neither the petitioners nor the students cannot plead equity and they are bound by the decision of the Syndicate.

11. For the foregoing reasons, the petitioners are permitted to write the 2nd semester examination for the B.Ed. course conducted by the first respondent / University, but, however the permission granted by this Court is subject to the decision of the Syndicate of the



WEB COPY

first respondent / University with regard to the petitioner's affiliation. In case any adverse order against any of the petitioner is passed by the Syndicate of the first respondent / University, the first respondent is at liberty to withhold the issuance of completion certificate to the students and is also at liberty to withhold the declaration of the results. It is made clear that neither the petitioners nor the students cannot plead equity and they are bound by the decision of the Syndicate. Since the petitioners are not pleading equity for seeking the relief sought for in these writ petitions, this Court issues the following directions:

a) The students of the respective petitioners Institution are permitted to write their second semester examination for the B.Ed course for the Academic Year 2021-2022 to be held from 15.07.2022 onwards

and

b) The first respondent University is directed to issue Hall Tickets forthwith which is subject to the decision rendered by the learned Single Judge of this



Court in W.P.Nos.4491 of 2022 etc., batch dated

WEB COPY 06.07.2022.

12. With the aforesaid directions, all these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

4. Respectfully adopting the same approach, the students studying in the petition mentioned institutions are permitted to write the second semester examinations for B.Ed. conducted by the respondent University from today. It is made clear that the this permission would be subject to the eventual decision that may be taken by the syndicate of the respondent University.

5. These writ petitions stand disposed of accordingly. The learned Standing counsel is directed to communicate the order passed by this Court without waiting for the order copy so that the students may be able to write the examinations from tomorrow onwards. No costs. Consequently, connected miscellaneous petitions are closed.



12

W.P.(MD)Nos.15268 OF 2022

15.07.2022

Index : Yes / No

Internet : Yes/ No

PMU

Note :- Issue order copy on 15.07.2022.

G.R.SWAMINATHAN,J.

PMU

To:

The Registrar,
Tamil Nadu Teachers Education University,
Kangaiammankoil Street,
Karapakkam, Chennai – 600 097.

W.P.(MD)Nos.15268, 15289 & 15435 of 2022



WEB COPY



13

W.P.(MD)Nos.15268 OF 2022

15.07.2022