



W.P(MD)No.13867 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.13867 of 2015

and

M.P.(MD)No.1 of 2015

The Chairman
SCAD Resource Center for Differently Abled
Ponnakudi, Palayamkottai Taluk,
Tirunelveli District-627 414.

... Petitioner

Vs.

1.The Union of India,
represented by its Secretary,
Department of Empowerment
of Persons with Disabilities
Ministry of Social Justice & Empowerment
5th Floor, B-1, II & III, Paryavaran Bhawan
CGO Complex, Lodhi Road, New Delhi-110 003.

2.The Rehabilitation Council of India
represented by its Member Secretary,
B-22, Qutab Institutional Area
New Delhi-110 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



W.P(MD)No.13867 of 2015

records relating to the impugned order issued by the second respondent Rehabilitation Council of India in 17-660/D.Ed.Spl.Ed.(MR)/11/RCI dated 14.07.2015 cancelling the recognition / approval of the petitioner's institution for running the Diploma course in Special Education (Mentally Retardation) and stopping admission of students for the academic session 2015-2016 and quash the same.

For Petitioner : Mr.Mohammed Ashik Jaman
for M/s.Isaac Chambers

For R2 : Mr.S.Jeyasingh
Central Govt. Standing Counsel

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which, the approval granted to the writ petitioner for running a Diploma Course in Special Education (Mentally Retardation) was withdrawn and they were directed not to admit any students for the academic year 2015-2016.

2. According to the learned Counsel appearing for the writ petitioner, originally, the second respondent had granted approval to the writ petitioner to start an institution in the year 2013. Approval was granted covering the academic years 2013/2014 – 2017/2018.



W.P(MD)No.13867 of 2015

3. However, when an inspection was conducted, the second respondent found that the writ petitioner's institution lacks of infrastructure as well as qualified faculties. Based on the said inspection report, the present impugned order was passed directing the writ petitioner not to admit any students for the academic year 2015-2016. The said order is under challenge in the present writ petition.

4. According to the learned Counsel appearing for the writ petitioner, the writ petitioner's institution has not admitted any students from the academic year 2018-2019 onwards and fully closed the institute. The only request of the writ petitioner is that the students, who have undergone the course during the approval period shall not be declared as not eligible.

5. Per contra, the Standing Counsel appearing for the second respondent would contend that only because of the lack of infrastructure and qualified faculties, the impugned order was passed and hence, the writ petitioner's institute cannot be permitted to admit any students.



W.P(MD)No.13867 of 2015

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

WEB COPY

7. Originally, approval has been granted to the writ petitioner's institute for running Diploma Course in Special Education (Mentally Retardation) from 2013-2018 onwards. However, when an inspection was conducted by the authorities in 2015, they found that the institution was lacking in infrastructure and faculties. Hence, they have withdrawn the approval mid-way. However, the said order was challenged in the writ petition. This Court has already granted interim order and the students have completed their course and no students were admitted beyond the academic year 2017-2018.

8. Since the students have got admitted based upon the interim order of this Court and they have also passed out, the Diploma shall not be put to question or made ineligible by the respondents herein.

9. However, the writ petitioner's institute shall not be entitled to admit any students in any academic year without obtaining prior approval of the second respondent.



W.P(MD)No.13867 of 2015

10. With the above observation, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

22.11.2022

Index : Yes / No
Internet : Yes / No
csm

To

1.The Secretary,
Union of India,
Department of Empowerment
of Persons with Disabilities
Ministry of Social Justice & Empowerment
5th Floor, B-1, II & III, Paryavaran Bhawan
CGO Complex, Lodhi Road, New Delhi-110 003.

2.The Member Secretary,
Rehabilitation Council of India,
B-22, Qutab Institutional Area
New Delhi-110 016.



WEB COPY



W.P(MD)No.13867 of 2015

R.VIJAYAKUMAR ,J.

csn

Order made in
W.P(MD)No.13867 of 2015
and
M.P.(MD)No.1 of 2015

Dated: 22.11.2022