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W.P.No.14343 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.07.2023

Pronounced on : 31.07.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.14343 of 2023
and WMP.No.13853 of 2023

1.B.Karthika
2.R.Vinothini
3.P.Cinthiya
4.T.Ramasundari
5.J.Punithavalli
6.M.Maha
7.V.Kuzhlarasi
8.C.Anunisha
9.B.Vinitha
10.S.Sathya

... Petitioners

Vs.

1.The Registrar
The Tamil Nadu Teacher Education University (TNTEU)
Karapakkam
Chennai.

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



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3.The Principal
Kasturbha Gandhi Kanya Gurukulam College
of Education
No.810, Nagai Rasta, Maharajapuram
Vedaranyam, Nagapattinam District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents herein to permit the petitioners herein being the students of third respondent college to write the B.Ed Semester Examination forthwith or any other date for the II semester to IV semester of the year 2021-2023 and publish all the results including the I semester results of the year 2021-2022, based on the proceedings of the second respondent in F.No.SRC/NCTE/APS/03576/Bed./TN/2023, dated 17.02.2023.

For Petitioners : Mr.S.Senthilnathan
For Respondents : Mr.S.Bhuvaneswari
Standing Counsel for R1
Mr.R.Thirunavukkarasu for R2
Mr.M.Senthilkumar for R3

ORDER

The petitioners herein are the students of the third respondent, College of Education, who joined the course in 2021 for the academic year 2021-2023.

They now seek a direction from this Court to direct the first respondent to let



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them sit for the examination that is scheduled to take place on 03.08.2023.

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2.1 The third respondent-College had obtained the approval from the second respondent vide its proceedings dated 30.06.2009, and ever since it was continuing its institution till academic year 2020-2021. What happened thereafter was that vide proceedings dated 16.03.2021, the second respondent withdrew its recognition issued to the third respondent. The first respondent - University to which the third respondent was affiliated followed suit, and withdrew its affiliation on 28.07.2021.

2.2 In its proceedings, the first respondent had categorically indicated to the third respondent that the third respondent-College should not admit the students for the academic year 2021-2022 in terms of the prevailing Rules. However, ignoring this and perhaps driven by a sense of over confidence, the third respondent proceeded to admit 100 students, which included the petitioners before this Court. They now have come before this Court to seek a direction of this Court to sit for the examination.

3. The learned counsel for the petitioners brought to the notice of the Court



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the proceedings of the second respondent dated, 17.02.2023, that for and from the academic year 2023-2024, the second respondent has accorded recognition, and added that the permission accorded by the second respondent pointedly state that it is a **continuation order** and that permission is granted to the third respondent "**for continuation of recognition** for B.Ed., Programme for two years duration with an annual intake of (2 basic unit) of 50 students each subject to fulfilment of the following conditions". The emphasis, the learned counsel makes is on the expression "**for continuation of recognition**". According to the learned counsel, this would imply that the intent of the second respondent is to accord recognition from the academic year 2021-2022.

4. The learned counsel for the second respondent logged in online and has some difficulty in making his submissions. The learned Standing Counsel appearing for the first respondent brought to the notice of the Court a copy of the proceedings of the second respondent dated 16.03.2021, and it refers to the 396th meeting of the Southern Regional Committee (SRC) has minuted certain specific reasons for withdrawing the recognition of the third respondent. Indeed, the proceedings also informs the third respondent about



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the right of appeal it has under Section 18 of NCTE Act, 1993. The learned counsel added :

(a) Consistent with the proceedings of the second respondent, withdrawing the recognition of the third respondent-College, the first respondent withdrew the affiliation on 28.07.2021.

(b) And despite the third respondent having been informed that it should not admit any students for the academic year 2021-2022, the third respondent cheated the students and admitted them. Section 17(3) of NCTE Act 1993, provides that once the recognition of an institution is withdrawn, the institution should discontinue the course or training in Teacher Education and the concerned University to which such Schools of Education is affiliated, should cancel affiliation. And Section 17(4) makes it mandatory that any such certificate obtained by a student from an unrecognised school of education will carry no value for the purpose of employment.

(c) Earlier, the third respondent approached this Court with W.P.4662



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of 2022, and sought a direction from this Court to the first respondent to accept the list of students admitted by it for the academic session 2021-2022, and this was dismissed by a learned Single judge of this Court along with a batch of similar petitions on 06.07.2022.

5. The case is now about how to construe the phrase 'continuation order' or 'continuation of recognition' as was projected earlier. The two facts are unassailable that the second respondent had withdrawn its recognition vide its proceedings dated 16.03.2021, and it affected intake of students for the academic year 2021-2022. And in the second respondent's proceedings dated 17.02.2023, it recites that the SRC in its 421st meeting has decided to issue permission for continuation of recognition for B.Ed., Programme for two years to the third respondent. The point is whether the recognition is to date back from 16.03.2021, the date on which the second respondent withdrew the recognition, and will it have any ratifying effect about the intake of students by the third respondent.

6. When this Court perused the recent proceedings of the impugned proceedings of the second respondent dated 17.02.2023, it recites that the



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third respondent has preferred an appeal to the appellate authority of NCTE, and that the appellate authority in its 11th Meeting dated 11.01.2023, remanded back the matter to the second respondent. Subsequently, the second respondent has passed the following order and the following portions are contextually relevant :

"7. AND WHEREAS,

.....

*The Committee on the perusal of the reply submitted by the institution, decided **that the continuation order be issued to the Institution Kasthurba Gandhi Kanya Gurukulam for Women, Survey No.633, Vedaraniyam, Nagapattinam District, Tamilnadu-614810 for B.Ed. programme for 52 basic units of 50 students each.***

*8.NOW THEREFORE, this order issued permitting the institution i.e. Kasthurba Gandhi Kanya Gurukulam for Women, Survey No.633, Vedaraniyam, Nagapattinam District, Tamilnadu-614810 for **continuation of recognition** for B.Ed. Programme for two-years duration with an annual intake of (2 basic unit) of 50 students each subject to fulfilment of the following conditions"*

This would imply that the proceedings dated 17.02.2023 now passed is not a order passed based on any fresh application for recognition. It is based on continuation of the earlier proceedings dated 16.03.2021. In other words, by virtue of this proceedings, the second respondent has reversed its earlier



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proceedings dated 16.03.2021. Significantly enough, the current proceedings does not indicate the academic year from which the students need to be admitted. Its significance is that it nullifies the earlier proceedings dated 16.03.2021. It is hence, the proceedings of the second respondent dated 17.02.2023 uses an expression 'continuation' atleast in two places.

7. This Court, therefore holds that the proceedings dated 17.02.2023, inasmuch as it nullifies the effect of the earlier proceedings dated 16.03.2021, it restores *status quo ante* and the continuation of the recognition must be reckoned for and from the academic year 2021-2022. If that is so, the petitioners and those similarly placed students are entitled to sit for the examination scheduled to take place on 03.08.2023.

8. Accordingly, this Court passes the following directions :

- (1) The first respondent is directed to allow the petitioners herein including the other students who are similarly placed to sit for the B.Ed semester examination (Semester II to Semester IV) for the year 2021-2023, i.e., scheduled to take place on 03.08.2023;



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(3) The benefit of this order is also available to all students who are affected by the impugned proceedings dated 17.02.2023.

9. In the result, this writ petition stands allowed in terms of the directions herein above passed. No costs. Consequently, connected miscellaneous petitions are closed.

31.07.2023

Index : Yes / No
Speaking order / Non-speaking order
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N.SESHASAYEE.J.,

ds

Pre-delivery order in
W.P.No.14343 of 2023

31.07.2023