



W.P.No.17989 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2023

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.17989 of 2020

and

WMP.No.22330 of 2020

Sri Thangam Periyasamy College of Education,  
Pennadam Road, Vridhachalam-606 001,  
Cuddalore District.

Represented by its Chairman, P.Rajendran

...Petitioner

Vs.

1. National Council for Teacher Education,  
G7, Sector-10, (Near Sector-10 Metro station),  
Dwarka, New Delhi – 110 075.  
Represented by its Regional Director.

2. The Tamil Nadu Teacher Education University,  
Gangaianman Koil Street, Karapakkam,  
Chennai – 600 007,  
Represented by its Registrar.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in Ref No. F.SRO/NCTE/APSO9415/TN/B.Ed/2020/117624 dated 07 September 2020 on the file of the 1<sup>st</sup> respondent and quash the withdrawal order and direct the 1<sup>st</sup> respondent to review the recognition granted to the petitioner for the B.Ed course from the academic session 2020-2021 on the basis of compliance-reply dated 27.10.2020 submitted by the petitioner.



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For Petitioner : Mr.N.Ramesh  
for Mr.J.Franklin

For Respondents : Mr.Su Srinivasan, for R1  
: Mrs.S.Buvaneswari, for R2

### **ORDER**

This Writ petition has been filed seeking quashment of the order of the 1<sup>st</sup> respondent dated 07.09.2020 in Ref No.F.SRO/NCTE/APSO9415/TN/B.Ed/2020/117624 and to consequently direct the 1<sup>st</sup> respondent to review the recognition granted to the petitioner for the B.Ed course from the academic session 2020-2021.

2. The case of the petitioner is that the petitioner institution is conducting Teacher training course since 2009 and was granted recognition by the 1<sup>st</sup> respondent in the same year. While so, on promulgation of NCTE Regulation, 2014, the petitioner institution has submitted affidavit consenting to come under new Regulations. Thereby, revised recognition order was issued by the 1<sup>st</sup> respondent on 05.05.2015 and the petitioner institution has been given affiliation continuously by the 2<sup>nd</sup> respondent till date and the last affiliation was given on 19.09.2019, which is valid for 3



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years from 2018-2021. While so, the Southern Regional Committee issued a Show cause notice dated 16.09.2019 with regard to compliance of the conditions of the revised recognition order. Upon receipt of the said notice, the petitioner institution submitted a reply dated 29.10.2019 along with the documents in compliance with the show cause notice. However, without considering the reply sent by the petitioner institution and without issuing further notice, the 1<sup>st</sup> respondent passed the present impugned order dated 07.09.2020, withdrawing the recognition granted in favour of the petitioner institution. Challenging the same, the petitioner has come up with this Writ petition.

3. Heard learned counsel on either side and perused the material documents available on record.

4. Though very many grounds have been raised by the learned counsel on either side at the time of arguments, however, when this Court expressed its opinion that, as against the impugned withdrawal order dated 07.09.2020 issued by the 1<sup>st</sup> respondent, there is an effective appeal remedy available before the Appellate Authority under Section 18 of the National



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Council for Teacher Education Act, 1993 (in short 'Act') and without exhausting the said appeal remedy, filing the present Writ petition is not sustainable, the learned counsel for the petitioner restricted the prayer and sought for permission of this Court to file appropriate appeal before the appellate authority and further requested this Court for extension of the interim stay already granted by this Court, vide order dated 09.12.2020, till the disposal of the appeal to be preferred by the petitioner. Learned counsel appearing for the respective respondents have not raised any objection for the aforesaid restricted relief sought for by the learned counsel for the petitioner.

5. In view of the restricted prayer as sought for by the learned counsel for the petitioner, this Court without interfering with the impugned order of withdrawal of the 1<sup>st</sup> respondent dated 07.09.2020, grants liberty to the petitioner to file appropriate appeal before the Appellate Authority within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such appeal, the Appellate authority shall consider the same on merits and in accordance with law and pass appropriate orders within a period of four weeks thereafter, after affording an opportunity of personal



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hearing to the petitioner. The time during which this petition has been pending before this Court shall be excluded for the purpose of computation of limitation, if any. Further, the interim stay already granted by this Court stands extended till the disposal of the appeal to be filed by the petitioner.

6. Accordingly, this Writ Petition stands disposed of with the aforesaid observations and directions. No costs. Consequently, connected Miscellaneous petition is closed.

**28.06.2023**

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NCC : Yes / No  
Speaking Order : Yes / No  
Index : Yes / No

To

1. The Regional Director,  
National Council for Teacher Education,  
G7, Sector-10, (Near Sector-10 Metro station),  
Dwarka, New Delhi – 110 075.
2. The Registrar,  
Tamil Nadu Teacher Education University,  
Gangaiamman Koil Street, Karapakkam,  
Chennai – 600 007.

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**M.DHANDAPANI, J.**

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