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W.P.No.21289 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.21289 of 2023
and W.M.P.Nos.20691 and 20694 of 2023

Sa-Ya-Gosh College Education,
Pudumariamman Koil,
Opp Periyanaahalli,
Dharmapuri District-636 205
Rep. by its Chairman M.Kalpana

... Petitioner

Vs.

1.The Deputy Secretary,
The Appellate Authority,
National Council for Teacher Education.
G-7, Sector-10, Dwarka,
New Delhi-110 075.

2.The Regional Director,
Southern Regional Committee-NCTE
Plot No.G-7, Sector-10, Dwarka,
New Delhi-110 075.

... Respondents



W.P.No.21289 of 2023

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the 2nd respondent dated 23.03.2021 in F.SRO/NCTE/APSO8017/M.Ed/(TN)/2021/125270 and the consequential order passed by the 1st respondent dated 12.07.2022 in Appeal File No.89-150/E-256912/2022 APPEAL/5th Meeting, 2022, APPLSRC202114242 and to quash the same and consequently directing the respondents to pass orders for restoration of recognition of petitioner college for the academic year 2022-2023.

For Petitioner : Mr.Perumbulavil Radhakrishnan
for K.Sathishkumar

For Respondents : Mr.R.Thirunavukarasu
Standing Counsel for R1 and R2

ORDER

By consent, this writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is running a College of Education, and it was granted recognition to conduct M.Ed., Course from the year 2008. Initially, it was 1 year course programme with 25 seats, and later, it was changed to 2 years course programme with an annual intake of 50 seats. And this recognition was



withdrawn by the 2nd respondent vide its proceedings dated 23.03.2021, on the ground that certain infrastructural requirements are not satisfactory, and also for certain other non-compliance of procedures. Aggrieved by the same, the petitioner moved the Appellate Authority, the 1st respondent herein, and the 1st respondent vide his proceedings dated 12.07.2022, confirmed the order of the 2nd respondent. The following paragraphs in the proceedings of the 1st respondent are contextually relevant:

"III. OUTCOME OF THE CASE

Appeal Committee perused the relevant records and the documents submitted by appellant institution. The Appeal Committee noted that the appellant institution was granted recognition for M.Ed. course of one year duration with an annual intake of 25 seats on 21.10.2008 and after promulgation of NCTE Regulations, 2014 giving thereby affidavit for its adherence, a revised provisional recognition order of two years duration with an annual intake of 50 students (one unit) was issued on 22.05.2015 with certain conditions to comply within stipulated time period.

The Appeal Committee further noted that the appellant institution was given reasonable opportunities in the shape of



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show cause notice and final show cause notice issued on 15.03.2019 and 18.03.2020 to submit its written representations fro rectifying the pointed out short comings in the given time period."

3.Learned counsel for the petitioner would submit that the college indeed has responded to the show cause notice, but the entire transaction happened during the Covid period and when the college was essentially shut.

4.Heard Mr.R.Thirunavukarasu, the learned Standing Counsel for respondents 1 and 2, who submitted that it is essentially non-compliance of certain requirements sought by the 2nd respondent that has caused the recognition of the petitioner earlier accorded. He submitted that the petitioner has invited the situation upon itself, and the proceedings of the 1st respondent cannot be termed *mala fide*.

5.After hearing the rival submissions and perusing the papers, this Court only deems it appropriate that the petitioner be granted an opportunity to appear before the Appellate Authority to present whatever papers or information that the



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respondents require in this regard, and then to decide the issue after giving the petitioner appropriate opportunity to explain or clarify anything that is required.

6.In view of the above, this Court sets aside the proceedings of the 1st respondent dated 12.07.2022, and remands the matter back to the 1st respondent. The petitioner is now required to furnish all the materials required by the respondents within a period of four (4) weeks from today. On receipt of the same, the 1st respondent is required to complete the enquiry and dispose off the appeal within a period of eight (8) weeks thereafter. In the meantime, if any inspection is required, then the same may be made with due notice to the petitioner.

7.This writ petition is disposed of with the above directions. No Costs. Consequently, the connected miscellaneous petitions are closed.

19.07.2023

Anu

Index : Yes / No

Neutral citation : yes/no

Note to office:Issue order copy on 20.07.2023



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N.SESHASAYEE, J.

Anu

To

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