



WEB COPY



W.P.No.25865 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.25865 of 2023
and W.M.P.Nos.25306 and 25307 of 2023

PGP College of Education,
NH-7, Namakkal-Karur Main Road,
Villipalayam,
Namakkal-District,
Rep by its Correspondent,
M.Ganapathy

... Petitioner

Vs.

1.The Regional Director
National Council for Teacher Education
Southern Regional Committee
Sector-10, Dwarka
New Delhi-116075

2.The Registrar,
Tamil Nadu Teachers Education University
Kangaiamman Koil Street,
Karapakkam,
Chennai-600 097

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, for issuance of a writ of Certiorari, to call for the records pertaining



W.P.No.25865 of 2023

the Impugned order F.No.SRC/NCTE/APS04284/B.Ed./TN/2023/143006 dated 1.08.2023, F.No.SRC/NCTE/APSO5103/M.Ed/TN/2023/143006 dated 1.8.2023 and F.No.SRC/NCTE/APS07994/B.Ed.-A1/TN/2023/143006 dated 1.8.2023 issued by the 1st respondent, quash the same as illegal.

For Petitioner : Mr.V.Raghavachai
Senior Counsel
Assisted by Mr.S.Bharathi Rajan

For Respondents : Mr.J.Harikrishna
Additional Standing Counsel for R1
M/s.S.Bhuvaneswari
for R2

ORDER

The issue involved in this case is that the petitioner College of Education is facing an allegation that there are certain defects/deficiencies, and that the second respondent, the Registrar of Tamil Nadu Teachers Education University issued a notice dated 26.06.2023, providing the petitioner six months time to cure the defects or the short-comings indicated therein. In the meantime, the first respondent had issued a show cause notice dated 01.08.2023 to the petitioner College, again requiring it to show cause within a period of 15 days.



W.P.No.25865 of 2023

WEB COPY

2.Mr.V.Raghavachari, learned Senior Counsel appearing for the petitioner College submitted that while the second respondent had granted six months time to rectify the defects, which expires by 26.12.2023, the first respondent has issued a show cause notice almost for identical purpose to respond to it within a period of 15 days, with a threat of revoking the approval. Further, that the show cause notice issued by the first respondent is incompetent in law, but at any rate, it overlaps with the direction given by the second respondent on the same subject.

3.Mr.J.Harikrishna, learned Additional Standing Counsel takes notice for the first respondent, and M/s.S.Buvaneshwari, learned Standing Counsel takes notice for the second respondent.

4.Heard the learned counsel for the respondents 1 and 2.

5.The learned Additional Standing counsel appearing for the first respondent now states that the second respondent issued a notice dated 28.04.2022 to



W.P.No.25865 of 2023

the petitioner pointing out certain defects but, only after giving a prior intimation to the first respondent with his communication dated 27.04.2022.

It is also seen that the second respondent has followed up its notice dated 28.04.2022 to the petitioner with couple of reminders. Since the petitioner has not responded and since the first respondent has not obtained any feedback from the second respondent, the first respondent was constrained to issue the impugned notice on the petitioner.

6.Admittedly, the petitioner was served with six months notice to cure certain shortcomings or defects by the second respondent and this period as already indicated expires only on 26.12.2023. However, inasmuch as the said time has not expired, it is only appropriate that the first respondent should wait for the six months to expire.

7.This Court expects greater responsibility from the second respondent in situation such as this as it unnecessarily bring litigations which could have been easily avoided, if only the second respondent has responded to the request of the first respondent.



W.P.No.25865 of 2023

8.This Court now directs the petitioner to rectify with all the deficiencies or shortcomings as indicated in the show cause notice of the second respondent dated 26.06.2023 within a period of six months as stipulated therein. Till such time, the first respondent is directed to take a back seat, and it is further directed not to interfere with the ongoing process of rectification by the petitioner. The second respondent is at liberty to initiate any proceeding after the expiry of six months period stipulated in the show cause notice of the second respondent.

9.The Writ Petition stands disposed of accordingly with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

11.09.2023

Tsg

Index : Yes / No

Neutral citation : yes/no



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W.P.No.25865 of 2023

N.SESHASAYEE, J.
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W.P.No.25865 of 2023
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