



W.P.No.27595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

MR.JUSTICE N.SESHASAYEE

W.P.No.27595 of 2023
and W.M.P.Nos.27049 and 27050 of 2023

Kapi Women's College of Education
No.84, Survey No.101/1, Nagamalai
Madurai-District
Rep. by its Secretary
Dr.R.Kalaichelvi

... 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 the Impugned order F.No.SRC/NCTE/APSO9464/B.Ed./TN/2023/143379,



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dated 11.09.2023 issued by the 1st respondent, quash the same as illegal.

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For Petitioner : 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 31.05.2023, 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 11.09.2023 to the petitioner College, again requiring it to show cause within a period of 15 days.

2.Mr.S.Bharathi Rajan, the learned counsel appearing for the petitioner College submitted that while the second respondent had granted six months



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time to rectify the defects, which expires by 31.11.2023, 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.In this case, notwithstanding the fact that the Additional Standing Counsel and the counsel appearing for the second respondent had taken notice in the earlier posting, the Registry has not printed their names in the cause list. However, both the learned counsel for the respondents are ready with their instructions.



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5.This apart, this Court also dealt with similar matters and the facts of this case do not vary much. Therefore, this Court chose to dispose of the matter finally.

6.Heard the learned counsel for the respondents 1 and 2. The learned Additional Standing counsel appearing for the first respondent now states that the second respondent issued a notice dated 31.05.2023 to 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 31.05.2023 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.

7.Elaborating his arguments, the learned Additional Standing Counsel provided the following particulars:



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Sl.No.	Chronological sequences in issuing show cause notice by the first respondent	
1.	27.04.2022	<i>Letter No.TNTEU/R/CPA/Explanation called for /2022/01041 by the 2nd Respondent to the First Respondent intimating about the deficiencies pointed out on the colleges and six months time to rectify.</i>
2.	03.04.2023	<i>As there was no update- First Respondent issued a letter F.No.SRC/NCTE/TN/140-Institutions/2023/141577 to the Second Respondent seeks status of affiliation from the Second Respondent and also send the deficiencies identified as against each institution with copy to all institutions.</i>
3.	28.04.2023	<i>No reply from the Second Respondent and also from the institutions – the First Respondent again sent a letter to F. No SRC/ NCTE/TN/140-Institutions/2023/141830-141270 to the Second Respondent seeks status of affiliation from the Second Respondent and also send the deficiencies identified as against each institution with copy to all institutions.</i>
4.	18.05.2023	<i>No reply received from the Second Respondent and also from the institutions hence placed the same in the SRC Meeting held on 18/05/2023 - Minutes of the 425th meeting of SRC viz. First Respondent- decided to issue reminder to the Second Respondent.</i>
5.	01.06.2023	<i>Reminder letter F. No. SRC/NCTE/TN/140-Institutions/ 2023/141830-142241 to the Second Respondent seeks status of affiliation from the Second Respondent as follows:-</i> <i>“that the Committee decided to send reminder letter to the Registrar, Tamil Nadu Teacher Education University seeking status of affiliation (as per list enclosed). Further the University is advised to send the deficiencies identified against each institution</i>



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Sl.No.	Chronological sequences in issuing show cause notice by the first respondent	
		<i>along with their compliance, if there is any under the signature of the Registrar. The same may be sent to the office of the Regional Director, SRC NCTE within 7 days from the date of receipt of the letter from the office of the Regional Director, SRC. This should be treated as most urgent”.</i>
6.	11.09.2023	<i>Even as there was no reply for the reminder from the Second Respondent – hence necessitated to issue Show cause Notice F. No SRC/NCTE/APS09464/B.Ed./TN/2023/143379 to the Institutions viz Petitioner.</i>

8.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.

9.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 31.05.2023 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



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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.

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

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Anu

Index : Yes / No

Neutral citation : yes/no

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N.SESHASAYEE, J.
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