



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.01.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 29793 of 2022

And

W.M.P.No. 29187 of 2022

Bharathi Vidyalaya College of Education (Women)
Rep. by its Chairman/Correspondent
Mr.M.Nagarajan
S.F.No.193/11, 201/2, 201/7b, 201/5b
Trichy Road, Tirugokaranam
Pudukottai – 622 022.

... Petitioner

..Vs..

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

... Respondent

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondent to conduct inspection and grant continuation of affiliation for the academic year 2021-2024 and open the portal for the petitioner college to upload the students details in the portal.



For Petitioner

:: Mr. V.Selvaraj
for C.Robert Bruce

For Respondent

:: Ms. S.Bhuvaneswari
Standing Counsel**ORDER**

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondent to conduct inspection and grant continuation of affiliation for the academic year 2021-2024 and open the portal for the petitioner college to upload the details of the students in the portal.

2. In the affidavit filed in support of the Writ Petition, it had been stated that the petitioner is a B.Ed College for Women with facilities for 100 students. Further, the National Council for Teachers Education had granted recognition in the year 2008 and thereafter in the year 2015, they had granted revised recognition for a period of two years.

3. A show cause notice had been issued to the petitioner by NCTE dated 18.02.2020. Thereafter, the respondent herein had to inspect the petitioner college. The petitioner claims that they had send representations



dated 19.10.2019, 20.11.2019 and 01.12.2019 to the respondent to send a team to conduct inspection. Since the three year period for recognition had lapsed, the petitioner again applied for affiliation for the academic year 2021-2022, 2022-2023 and 2023-2024 and paid, according to the petitioner the requisite fees. Again further requests were made on 20.04.2020, 27.01.2021 and 03.05.2021 seeking the respondent to send a team for inspection of the college. The petitioner had however admitted 100 students though the inspection was not done. The petitioner had given a representation that the details of the students should be uploaded in the portal. Though the date for upholding was extended till 12.11.2022, it is stated that the details of the students could not be uploaded and it was under those circumstances that the present Writ Petition had been filed seeking a Mandamus to conduct inspection and open the portal for the petitioner college to upload the details of the students.

4. A counter affidavit had been filed on behalf of the respondent by the Registrar, in which, it had been stated that the petitioner college had not paid the dues but requested for grant of continuation of provisional affiliation by paying a fee of Rs.75,500/-. However, affiliation fee of



Rs.2,00,000/- and penal fees of Rs.1,00,000/- were pending, but only a sum of Rs.75,500/- was paid. It had also been stated that the respondent had published in their official portal regarding the unpaid affiliation and penal fees by the petitioner college and it was so hosted in the portal on 23.01.2019, 01.03.2019, 28.03.2019 and 26.04.2019. The respondent did not admit the statement that the petitioner had paid the said fees.

5. In this connection, the NCTE order dated 18.02.2020 had also been extracted in the counter affidavit wherein it had been stated that admissions can be made only after affiliation is obtained from the particular University or the examining body. The respondent is the said examining body. Stating those facts, the respondent urged that this Court should dismiss the Writ Petition.

6. Mr.V.Selvaraj, learned Counsel, who appeared for the petitioner however pointed out that the petitioner can only inform the respondent to forward teams for inspection and also pointed out that the respondent had not so inspected the petitioner college. With respect to the amounts which are due and payable, namely, the said sum of Rs.3,00,000/-, the learned counsel stated that the petitioner had actually paid the said



amount.

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7. This statement of the learned counsel for the petitioner had been seriously disputed by Ms.S.Bhuvaneswari, learned Standing Counsel for the respondent herein.

8. The learned counsel insisted that unless the petitioner pays the requisite fees and submits itself for complete inspection not only for the infrastructure available but also regarding the faculty, a further steps cannot be initiated by the respondent herein.

9. Having heard the learned counsels, I hold that the dispute relating to the payment of the said sum of Rs.3,00,000/- is an issue between the petitioner and the respondent herein. The petitioner is under obligation to pay the said amount and also to pay any other statutory amounts as are payable to the respondent herein.

10. Let the respondent raise a fresh demand to the petitioner and stipulate an outer time within which the dues should be paid. The petitioner should comply with such requirement and pay the amounts due. Thereafter, the respondent may also send an inspection team to inspect the college



infrastructure, the faculty and any other aspect which have to be inspected and thereafter take a considered decision about granting of affiliation and recognition to the petitioner institution. However on payment of the amounts due, as a first stage, the respondent may open the portal and permit the petitioner to upload the details of the students. Simultaneously, let the respondent also inspect the premises and thereafter, if any defects are found, put the petitioner on notice and then pass necessary orders after giving the petitioner necessary opportunity to, rectify any defect if found by the respondent.

11. With the above direction, the Writ Petition stands disposed of. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.01.2023

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vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To
The Registrar
Tamil Nadu Teachers Education University



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Kangaiamman Koil Street
Karapakkam, Chennai – 600 097.

C.V.KARTHIKEYAN, J.,

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