



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.01.2023

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THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 29798 of 2022

And

W.M.P.No. 29192 of 2022

Kalai Bharathi College of Education
Rep. by its Correspondent Mr.A.Kalaikumar
Padmapuram Village, Erumbi Post
Pallipet Taluk, Thiruvallur District.

... 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 issue the continuation of affiliation order from the academic year 2017-2018 to 2019-2020 and 2020-2021 to 2022-2023 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



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For Respondent

:: Ms. S.Bhuvaneswari
Standing Counsel

ORDER

The Writ Petition had been filed in the nature of Mandamus seeking a direction to the respondent/Tamil Nadu Teachers Education University to issue a continuation of affiliation order from the academic year 2017-2018 to 2019-2020 and from 2020-2021 to 2022-2023 and to open the portal of 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 college had originally obtained recognition from NCTE for 100 students in the academic year 2007-2008. Subsequently in the year 2017, they had obtained recognition for 100 students for conducting B.Ed course. A show cause notice had been issued on 05.09.2019 and the recognition was withdrawn on 21.02.2020 by NCTE. That was challenged in W.P.No. 13418 of 2020 and the said Writ Petition was disposed of on 19.07.2021 directing the petitioner to file an Appeal. The petitioner stated in the affidavit that they had filed all necessary



documents for grant of continuation of recognition to the NCTE and further stated that NCTE had granted continuation of recognition on 25.07.2022.

Armed with that particular order, the petitioner now seeks recognition from the respondent to also issue a continuation of affiliation for the aforementioned academic years which start from 2017-2018 and ends with 2022-2023 and to consequently also open the portal to upload the details of the students.

3. It is also stated that the Syndicate in their meeting on 08.02.2021 had directed, as a pre-condition payment of a sum of Rs.1,00,000/-. The petitioner claims that they had also paid the necessary amount of Rs.1,00,000/- and had also given necessary undertakings as required. The petitioner had therefore admitted 100 students for the academic year 2022-2023 and now seek that the details of those students must be uploaded in the portal.

4. A counter affidavit had been filed on behalf of the respondent by the Registrar, wherein reference has been made to an earlier Writ Petition filed by the petitioner in W.P.No. 4500 of 2022 seeking to accept the



students, who had been admitted in the year 2021-2022 and seeking permission for them to write the examination. It had been stated that a learned Single Judge of this Court had dismissed the Writ Petition on 06.07.2022. A Writ Appeal has been filed by the petitioner. It had been stated that when the recognition for the year 2021-2022 is pending judicial consideration, the issue of granting affiliation and recognition for the subsequent academic year, namely, 2022-2023 will not arise. It had been stated that the Syndicate had actually passed a resolution on 01.08.2022 holding that the petitioner is not permitted to admit students for the academic year 2021-2022 since there was no recognition from NCTE. It had been further stated that NCTE had granted continuation of recognition only on 25.07.2022 but it was always subject to the requirements as may be prescribed by the regulatory body, namely, the respondent herein. It had therefore been contended that the petitioner college was not entitled to admit the students for the year 2022-2023 and the continuation of recognition by NCTE would apply only for the year 2023-2024. It was therefore urged that the Writ Petition should be dismissed.



5. Mr.V.Selvaraj, learned Senior Counsel during the course of his arguments placed specific reliance on the order dated 25.07.2022 passed by NCTE SRC which had granted continuation of recognition. The said order has been filed as document to the Writ Petition. In the said order, there were various conditions which had been stipulated and it was mentioned that the continuation of recognition was subject to the said stipulations being actually complied by the petitioner. It was also stated that if there was any contravention of any of the conditions or provisions of NCTE rules or regulations, then an adverse order including withdrawal of recognition would be passed.

6. The fact whether those conditions are complied with or not is an issue which has to be primarily examined by the respondent herein. The respondent can examine whether those conditions have been complied with only if they make an inspection of the petitioner college premises and inspect the infrastructure and the faculty strength of the petitioner college. It would only be therefore advisable that the respondent forms an inspection team and inspects the petitioner college.



7. However, the continuation of recognition had been granted by NCTE on 25.07.2022. In the said order, there is reference to the affiliation filed by the petitioner as early as on 12.01.2015 expressing an undertaking to adhere to the provisions of the recognition. Thereafter, the further proceedings relating to the grant of recognition were stated and it was stated that on 5th and 6th July 2022, the Southern Regional Committee of NCTE had, in their 412th meeting stated that continuation of recognition can be granted but again subject to certain conditions and stipulations.

8. In view of that particular fact which is neither denied nor disputed, I would therefore direct that the respondent should inspect the premises of the petitioner. Simultaneously I would also direct the petitioner to comply with all necessary conditions and permit the team of the respondent to conduct inspection and also pay any fees or penalty payable. The respondent is directed to issue notice in this regard to the petitioner and give reasonable time and the petitioner is under obligation to make such payment.



9. It would be extremely unfortunate if one batch are left high and dry owing to the various orders which are passed by NCTE and also by the respondent herein. Therefore, I would regularise the admission for the year 2022-2023. The admission relating to the year 2021-2022 is subject to the orders in Writ Appeal. It is seen that the Writ Petition in W.P.No. 4500 of 2022 referred in the counter affidavit by the respondent had been dismissed on 06.07.2022 and it was only after that date, on 25.07.2022 was the continuation of recognition granted by NCTE. Therefore, this right would flow back and the respondent may therefore take that particular order into consideration and grant necessary affiliation and recognition for the year 2022-2023, subject to conditions as stipulated by NCTE.

10. The Writ Petition is therefore allowed and a Mandamus is issued directing the recognition of the students, who had been admitted in the year 2022-2023 and to issue continuation of affiliation.

11. With respect to the academic year 2021-2022, which is subject matter of the Writ Appeal, the petitioner may work out their remedy independently before the Writ Appellate Court.



12. If the respondent requires that fresh application for affiliation is required, they made take note of the fact that the continuation of recognition had already been granted by NCTE and therefore may only examine whether any conditions are to be satisfied by the petitioner herein and then proceed to grant recognition and affiliation.

13. The respondent is also under obligation to open the portal to upload the details of the students, who had been admitted in the year 2022-2023.

14. With the above discussion, the Writ Petition stands allowed. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

24.01.2023

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

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



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C.V.KARTHIKEYAN, J.,

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