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W.P.No.29800 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

CORAM

THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.29800 of 2022
and
W.M.P.Nos.29196 & 19197 of 2022

Rajiv Gandhi College of Education
Rep. by its Chairman Mr.V.V.Moorthy
Kuppam Road, Kammampalli Post,
Krishnagiri – 635 120.

... Petitioner

Versus

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

2. National Council for Teacher Education (NCTE),
G-7, Sector-10, Dwarka, Near Metro Station,
New Delhi – 110 075.

... Respondents

[R2 suo motu impleaded vide order dated 21.12.2022]

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, and quash the proceedings of the respondent in No.28/Withdrawak/2022/0889 dated 29.03.2022 and quash the same and illegal and restore the same and open the portal for the petitioner college to uploading the students details in the portal.



WEB COPY



W.P.No.29800 of 2022

For Petitioner : Mr.V.Selvaraj, Senior Counsel
For Mr.C.Robert Bruce

For R1 : Mrs.S.Bhuvaneswari, Standing Counsel

For R2 : Mr.R.Thirunavukarasu,
Standing Counsel for NCTE

ORDER

The Writ Petition has been filed in a nature of a Writ of Certiorarified Mandamus, seeking interference with an order of the 1st respondent, the Registrar, Tamil Nadu Teachers Education University, dated 29.03.2022 and to restore the recognition and open the portal for the petitioner 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 institution had obtained recognition from NCTE/Nation Council for Teachers Education at New Delhi in the year 2007. A revised recognition for a period of two years, for two-year B.Ed., degree programme in the year 2015, for intake of 100 students was also obtained in the year 2015. Thereafter, affiliation was also obtained from the 1st respondent namely the Tamil Nadu Teachers Education University. Thereafter, the NCTE had withdrawn the recognition on 01.12.2021. The



W.P.No.29800 of 2022

petitioner has filed an Appeal before the NCTE Appeal Committee. An order was passed on 12.07.2022, remitting the matter back to the original authority.

3. In view of that particular fact, this Court had *suo motu* impleaded the National Council for Teachers Education as the 2nd respondent by an order dated 21.12.2022.

4. The fact that the original Authority has withdrawn the recognition is not in dispute. The fact that the Appellate Authority had remanded the matter back to the original Authority relating to the recognition of the petitioner institution is also not in dispute. The interpretation of the order of the Appellate Authority is alone put to question by Mr.V.Selvaraj, learned senior counsel on behalf of the petitioner herein.

5. It is contended that since in effect by the order of remand, the order of the original Authority stood automatically vacated and status *ante* had been restored.



6. This would imply that the status of the recognition is restored to be again examined by the original Authority/NCTE. They will have to examine on the basis of the available records whether that particular recognition can be continued or interfered with.

7. Since the entire issue is within the purview of the original Authority/2nd respondent/NCTE, till such time, the proceedings are completed by the said authority namely, the 2nd respondent, it has to be deemed that the recognition of the petitioner institution continues.

8. The learned counsel for the 1st respondent however pointed out that in the Appellate Authority order, a reference was made to a Judgment of the Delhi High Court wherein, an obligation was placed on the Appellate Authority to specifically state that whether the recognition is kept in abeyance or the recognition is interfered with or the recognition is maintained.

9. In the absence of any such specific order in the Appellate



W.P.No.29800 of 2022

Authority, the 1st respondent namely the Tamil Nadu Teachers Education University has assumed that the recognition has been interfered with and had therefore closed down the portal.

10. This position is legally not tenable. The issue of recognition has to be considered only by the original Authority of the 2nd respondent/NCTE and thereafter, depending on the nature of the order passed, an appeal remedy is also available.

11. Till those proceedings are completed in entirety, it has to be deemed that the recognition of the petitioner subsists. Therefore, the impugned order of the 2nd respondent dated 29.03.2022, specifically withdrawing recognition is interfered with and is set aside. The 1st respondent may wait for final and clear orders from either the original Authority or from the Appellate Authority and thereafter take a decision about the withdrawal or otherwise of the recognition.



W.P.No.29800 of 2022

12. Till such specific orders come to the notice of the 1st respondent, the petitioner institution is deemed to be recognized and affiliated.

13. In view of that particular aspect, the consequential direction to open up the portal naturally follows and the 1st respondent may do the necessary consequential acts on or before 10.02.2023.

14. The Writ Petition stands allowed. No order as to costs. Consequently, the connected miscellaneous petitions stands closed.

24.01.2023
(1/2)

ssi
Index : Yes/No
Internet : Yes/No
Neutral Citation Case: Yes/No

To:



W.P.No.29800 of 2022

WEB COPY

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WEB COPY



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