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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2023

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.34228 and 34233 of 2018
and WMP.No. 39778 and 39779 of 2018

The Registrar
Saveetha Institute of Technical and Medical Sciences,
162, Poonamallee High Road,
Velappanchavadi, chennai-77.

... petitioner in both the petitions

-Vs-

1. The Member secretary
National Council for Teacher Education,
HANS BHAWAN WING-II,
1, Bahadurshah zafar Marg,
New Delhi-110002.

2. The Regional Director
National council for teacher Education,
Southern Regional Committee,
Jnanan bharathi campus Road,
Nagarabhavi opp national law School,
Bengaluru-56

... Respondents in both the petitions

Prayer in W.P.No.34228 of 2018: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus to call for the records relating the F.NO 89-280/2017/APPEAL/IST MTG-2018 and 2nd feb 2018 dated 27-2-2018 issued by the first respondent as well as the order passed



by the 2nd respondent dated 10-2-2017 in F.NO NCTE/SRC/SRCAPP 201630116 Bachelor of education(BED) T.N/2017-2018/4 AND quash the same and direct the respondents to grant approval to the petitioners institution to conduct the bachelor of education BED degree.

Prayer in W.P.No.34233 of 2018: Petition filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorarified Mandamus To call for the records relating the F.NO 89-279/2017/APPEAL/IST MTG-2018 /1st and 2nd feb 2018 dated 27-2-2018 issued by the first respondent as well as the order passed by the 2nd respondent dated 10-2-2017 in ORDER NO. NCTE/SRC/SRCAPP 201630117/Master of Physical Education (M.P.Ed) T.N/ 2017-2018/4 and quash the same and direct the respondents to grant approval to the petitioners institution to conduct the M.P.Ed. Course.

For petitioner in both the petitions : Mr. V.Karthick, Senior Counsel
for M/s.P.Navaneetha Krishnan

For Respondents in both the petitions : Mr.Thirunavukkarasu RR1 & 2

COMMON ORDER

Since the issue involved in both the petitions are one and the same and hence, the same are disposed of by way of this common order.

2. The petitions have been filed seeking to quash the order dated 27-2-2018 issued by the first respondent as well as the order passed by the 2nd



respondent dated 10-2-2017 and direct the respondents to grant approval to the petitioners institution to conduct the bachelor of education B.ED., degree.

3. It is the case of the petitioner that the petitioner University declared under Section 3 of the UGC Act. The petitioner University is having faculty of medicine, dentistry, engineering, business administration, law and physical education apart from running a medical college and dental college. While being so, the petitioner applied to the respondents for grant of approval to the petitioner to run B.Ed., and M.P.Ed., courses on 30.05.2016 through online along with the application to grant approval to conduct B.Ed., and M.P.Ed., course. The second respondent herein on 21.01.2017 issued a show cause notice calling upon the petitioner herein to clarify about the land documents. The petitioner also submitted an explanation on 02.02.2017 to the second respondent herein. However, without considering the explanation submitted by the petitioner, the second respondent, vide order dated 10.02.2017, rejected the petitioners application. Aggrieved by the order of the second respondent, the petitioner institution filed an appeal before the first respondent on 03.04.2017 and the said appeal was rejected by the first respondent vide order dated 27.02.2018 on the ground that the land is leased to the institute by parent trust, the name of the trust



in whose name the sale deed stands is not reflected in the online application and the land for all teacher education courses should not only held by the institution on ownership basis but should be demarcated away from medical and technical institutions.. Challenging the said order, these writ petitions have been filed seeking to quash the same.

4. The learned Senior counsel for the petitioner submitted that in order to resolve the dispute, this Court, without interfering with the impugned orders, may grant permission to the petitioner to make a fresh application for obtaining approval from the respondents for the above said courses and this Court may direct the respondents to reopen the web portal to receive the application.

5. The learned counsel for the respondents submitted that as on date, the web portal is closed and the respondents are not in a position to receive the online application in view of the order passed by the Hon'ble High Court of Delhi dated 31.01.2023 in LPA.No.507 of 2022 for the academic year 2023-24.

6. Considering the facts and circumstances of the case and considering the request made by the learned Senior counsel for petitioner, this Court, without



interfering with the impugned orders, permit the petitioners to make an appropriate application for getting approval for the courses viz., M.P.Ed., and B.Ed., with the second respondent for the academic year 2024-2025 within a period of six weeks from the date of receipt of a copy of this order. For making of such application, the second respondent is directed to open the web portal for receiving the application for the academic year 2024-2025 and process the same and pass appropriate orders on merits and in accordance with law in terms the NCTE Regulations.

7. With the above directions, both the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

10.04.2023

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To

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M.DHANDAPANI, J.

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