

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.02.2023****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.780 of 2023****and****W.M.P.(MD)No.764 of 2023**

D.V.D.Teacher Training Institute
represented by its Secretary,
Kottar - 629 002, Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

1.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7, Sector-10, Dwaraka,
Delhi - 110075.

2.The Director,
State Council of Educational Research and Training
College Road, DPI Campus,
Chennai- 600 006.

3.The Principal
District Institute of Teacher Education Training
Theroor @ Kulasekaranputhur,
Kanyakumari District.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to approve the admission of all the 17 eligible students admitted in



the petitioner-institute for the academic eyar 2022-2023 (names given in the annexure) and consequently permit them to take part in the 1st and 2nd year Diploma in Teacher Education (DTed) Course examinations in the light of the recognition order granted by the 1st respondent herein.

For Petitioner : Mr.E.V.N.Siva
For Respondents : Mr.T.Amjadkhan
Government Advocate

* * *

ORDER

Heard the learned counsel on either side. The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of this writ petition and called upon this Court to issue mandamus as prayed for. The respondents have filed counter affidavit and the learned Government Advocate took me through its contents.

2.It is not as if the petitioner is coming before this Court for the first time. Already the petitioner herein, has filed W.P.(MD)No. 255/2022 for the previous academic year. By order dated 12.07.2022, I had allowed the writ petition. There is no change in circumstances except as regards the academic year.



3. The petitioner's Institution was started way back in the year

1953-54. Following the enforcement of the National Council for Teacher Education Act (NCTE), 1993, the petitioner obtained recognition from NCTE. Following the promulgation of G.O(Ms)No.87 School Education Department dated 28.05.2019, the second respondent issued the communication bearing Na.Ka.No.1731/E1/2019 dated 28.09.2020 informing the petitioner that the admission of students for the academic year 2020-21 will not be approved. By the aforesaid Government Order, the Government made it clear that unless the Teacher Training Institutes have an annual intake of 30% of the sanctioned intake, approval will be withdrawn. Aggrieved by the said communication, the petitioner filed W.P(MD)No.14749 of 2020. The said writ petition was dismissed. Challenging the same, the petitioner filed W.A(MD)No.571 of 2021. An interim order was granted on 17.04.2021.

4.This year also, the petitioner's Institution could admit only 17 students as against the sanctioned intake of 40 students. According to the petitioner's counsel, this fulfills the ceiling criteria imposed by the Government under the aforesaid Government Order I do not want to go into the said issue. The fact remains that as on date, the petitioner is



enjoying an interim order granted by the Hon'ble Division Bench of this Court. The said interim order is yet to be vacated. Therefore, the respondents 2 and 3 are bound to approve the admission of all the 17 students admitted in the petitioner's institution for the academic year 2022-23. This writ petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

24.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Note: Issue order copy on 01.03.2023

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To
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G.R.SWAMINATHAN,J.

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