



W.P.(MD)No.1905 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.1905 of 2023

and

W.M.P.(MD)No.1679 of 2023

BTK College of Education,
Represented by its Chairman,
B.T.Arasakumar, Manaparai Road,
Opposite to E.B.Office,
Viralimalai,
Pudukkottai - 621 316.

... Petitioner

Vs.

1. The National Council for Teacher Education,
Represented by its Member Secretary,
G-7, Sector -10, Dwarka,
Delhi - 110 075.
2. The National Council for Teacher Education (SRC),
Represented by its Regional Director,
G-7, Sector -10, Dwarka,
Delhi - 110 075.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the impugned final show cause notice issued by the second respondent in his proceedings in F.SRC/NCTE/APS04537/B.Ed./TN/2022/138911, dated 06.01.2023 and to quash the same as illegal without jurisdiction.

For Petitioner : Mr.B.Saravanakumar
for Mr.D.Kirubakaran

For Respondents : Mr.Su.Srinivasan

ORDER

This Writ Petition has been filed in the nature of Certiorari seeking interference with show cause notice purported as final show cause notice under Section 17 of the National Council for Teacher Education Act, 1993 (hereinafter referred to as 'the Act'), dated 06.01.2023 and to quash the same.

2. In the affidavit filed in support of the Writ Petition, by the Chairman of the petitioner College, it had been stated that the petitioner conducts both B.Ed., and M.Ed., Courses from the year 2006 onwards. They



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had obtained recognition / approval from the first respondent / National Council for Teacher Education at New Delhi for B.Ed., Courses to admit 50 students from the year 2006. Thereafter, the number of students were increased to 100 students. The petitioner also obtained recognition / approval for conducting M.Ed., Courses for 25 students. It had been further stated that the College had been affiliated to the Bharathidasan University from the year 2009 onwards. It had been further stated that the petitioner had been discharging its obligations by teaching the students who are admitted to the said College. Thereafter, the second respondent had issued a show cause notice withdrawing the recognition, by an order dated 27.02.2020. The petitioner had questioned the same and also had filed an appeal before the first respondent. The first respondent in their appeal had remitted the matter back to the second respondent for further consideration and had directed that the documents already presented may be now presented before the second respondent.

3. When the matter was again under consideration of the second respondent, the impugned show cause notice had been issued calling upon



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the petitioner to produce certain documents which had been stated in the show cause notice. However, the show cause notice had been issued as one under Section 17 of the said Act. The said provision can be invoked only to withdraw recognition. The recognition of the petitioner had been withdrawn and that is the subject matter of the issue now pending before the second respondent. Therefore, the impugned notice cannot be a notice under Section 17 of the Act. It can at the most be the notice calling upon the petitioner to produce documents for better consideration of the issue now pending before the second respondent.

4. Therefore, I would interfere with that particular nomenclature of the show cause notice and hold that it is not a show cause notice issued under Section 17 of the Act. It is still a show cause notice, but limited to calling upon the petitioner to produce documents as are required for proper and better adjudication of the issue by the second respondent.

5. I am informed by the learned counsel that the second respondent shall consider all these issues in the 2nd Week of April, 2023. I



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am confident that a decision would be taken by the second respondent within a period of eight weeks after that period. The petitioner had also issued a reply to the show cause notice now impugned in the present Writ Petition and obligation is placed on the second respondent to not only consider the documents already filed and the grounds which the petitioner had originally urged and presented before the second respondent but also the reply given to the impugned notice by the petitioner herein. No further orders are required.

6. This Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

27.03.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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To

1. The Member Secretary,
The National Council for Teacher Education,
G-7, Sector -10, Dwarka,
Delhi - 110 075.
2. The Regional Director,
The National Council for Teacher Education (SRC),
G-7, Sector -10, Dwarka,
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C.V.KARTHIKEYAN, J.

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