



WP(MD)No.17515 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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and

MP(MD)No.1 of 2014

Ponnaiyah Ramajayam Institute of
Science and Technology Trust,
Rep. by its Managing Trustee,
P.Murugesan

... Petitioner

v.

- 1.The Chairman,
National Council for Teacher Education,
Hans Bhawan, Wing – II,
No.1, Bahadur Shah Zafar Marg,
New Delhi – 110 002.
- 2.The Regional Director,
The National Council for Teacher Education,
Southern Regional Committee,
Nagerabhavai, Jnana Bharathi Campus Road,
Opp. National Law School, Bangalore – 560 031.
- 3.The Chairman,
ARR Trust,
No.153, A.R.Ramasamy Road,
Kumbakonam, Thanjavur District.

... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the second respondent's proceedings in F.SRO/NCTE/APS07341/B.Ed, APS0729 B.Ed. APS07266 M.Ed. TN/2014-15/59464, dated 08.09.2014 and quash the same and consequently, directing the respondents 1 & 2 to continue the recognition and grant No Objection Certificate to the petitioner Trust to run the institutions covered in the impugned order.

For Petitioner : Mr.Muthukamatchi

For Respondents : No appearance

ORDER

The petitioner Trust is running various Institutions, including a Deemed University. The third respondent is also a Trust running a College in the name and style of ARR College of Education at Kumbakonam. The third respondent Trust was not able to run the Institute and has transferred the administration of the Institute to the petitioner Trust, by way of a sale deed dated 04.04.2012. The third respondent has also made a request to the affiliating and approving body to change the affiliation and approval to the



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name of the petitioner Trust. However, to the shock and surprise of the petitioner, the second respondent has sent the impugned communication dated 08.09.2014 that the affiliation granted to ARR Trust for running an Education Institute was withdrawn, as per the request of the third respondent, from the Academic Year 2014-15. Aggrieved over the same, the petitioner has moved this writ petition.

2.Learned Counsel appearing for the petitioner, by referring the sale deed dated 04.04.2012 and the communication of the third respondent to the respondents 1 & 2 on 12.04.2012, submitted that the third respondent has transferred the administration to the petitioner Trust and also made necessary request to change the approval and affiliation in the name of the petitioner Trust. Without considering the same, the respondents 1 & 2 have acted upon the request of the third respondent dated 10.07.2014 and also withdrawn the affiliation already granted to the Institute. This order has been passed without affording an opportunity to the petitioner and therefore, it is liable to be interfered with.



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WEB COP 3. There is no representation for the respondents, despite sufficient opportunities were provided by this Court. Not even a counter affidavit was filed by any of the respondents.

4. This Court considered the submissions made by the petitioner's Counsel and perused the order impugned.

5. National Council for Teacher Education is a statutory body constituted for the purpose of regularising B.Ed education. The second respondent recognised the third respondent's Institute by granting approval to the Institute for conducting the course of Teacher Education with an annual intake of 100 Students for B.Ed courses and annual intake of 25 Students for M.Ed courses.

6. While so, on 10.07.2014, the third respondent requested the second respondent to withdraw the recognition from National Council for Teacher Education. They further stated that they have also informed the Tamil Nadu



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Teachers Education University, Chennai and got an order for withdrawal of affiliation. Along with the order of withdrawal of affiliation from the University and also the No Objection Certificates from the staff worked in the Institute, the third respondent has submitted an application on 17.06.2014 and requested to issue an order of withdrawal of recognition for the Institute and to release the Original Endowment Fund held by the second respondent.

7.Considering the order of withdrawal of affiliation from the University and the No Objection Certificates from the Staff worked in the Institute, the respondents 1 & 2 have passed the order impugned withdrawing the recognition accorded to ARR College of Education. Therefore, this Court is not inclined to interfere with the orders passed by the respondents 1 & 2. However, the petitioner is at liberty to file necessary application as against the third respondent for damages and for criminal prosecution. It is also open to the petitioner to approach the Tamil Nadu Teachers Education University and the respondents 1 & 2 to get affiliation for conducting B.Ed Courses in their Institutes.



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B.PUGALENDHI, J.

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Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

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