



WP(MD)No.14698 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.14698 of 2015**  
**and M.P(MD).Nos.1 and 2 of 2015**

The Secretary,  
St.Xavier's College of Education,  
(Autonomous), Palayamkottai,  
Tirunelveli District-627 002.

.. Petitioner

vs.

1.The National Council for Teacher Education,  
Rep.by its Member Secretary,  
Wing II, Hans Bhawan,  
1, Bahadur Shah Zafar Marg,  
New Delhi-110 002.

2.The Regional Director,  
National Council for Teacher Education,  
Southern Regional Committee,  
Jnana Bharathi Campus Road,  
Opp.National Law School,  
Nagarabhavi, Bangalore-560 072.

3.The Tamil Nadu Teacher Education University,  
Rep.by its Registrar,  
Lady Willingdon College Campus,  
Kamaraj Salai, Chennai-600 005.

.. Respondents



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**Prayer:** Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the second respondent in F.SRO/NCTE/APSO3247-M.ED/TN/2015-16/70707 dated 23.07.2015 and quash the same.

For Petitioner : Mr.Isaac Mohanlal  
for Mr.T.Cibi Chakraborty

For Respondents : Mr.S.M.Srinivasan  
for R1 and R2  
No-appearance for R3

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### **ORDER**

This Writ Petition has been filed challenging the impugned show cause notice issued by the second respondent dated 23.07.2015 calling for explanation from the petitioner College as to why the recognition of the College should not be withdrawn.

2. The learned Senior Counsel appearing for the petitioner submits that the impugned show cause notice issued by the second respondent is without jurisdiction and it was issued based on a complaint given by one employee, namely, A.T.Jai Prasad, as if he was assured at the time of appointment that he would be made as permanent employee and after taking long years of service, the



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petitioner Institution has not appointed him as a permanent Lecturer. The petitioner College is a Minority Institution and the fact as to whether a temporary employee can be made as permanent has to be decided by the College, for which, there cannot be any enquiry contemplated under the Act. He further submits that the petitioner College is having the required faculty, which has been verified and recognition has also been periodically renewed by the National Council for Teacher Education.

3. The learned counsel appearing for the National Council for Teacher Education submits that one A.T.Jai Prasad, who was shown as Lecturer in staff list, has made a complaint against the petitioner College that the petitioner College assured him during the time of appointment that they would make him as permanent Lecturer and offer UGC Scale pay in future, but the Management, after getting recognition for two courses showing his name as Lecturer, had not made him as permanent Lecturer, for which, the impugned show cause notice has been issued.



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4. This Court considered the rival submissions made and perused the materials available on record.

5. Though the petitioner College claims that they are having required faculty for their College as required by the National Council for Teacher Education and the recognition has been periodically renewed, the respondents are having every right to ascertain whether the College is having the required faculty as claimed. Therefore, the petitioner shall furnish the details with regard to the faculty of their College to the respondents. Moreover, the impugned proceedings is only a show cause notice and therefore, this Writ Petition is not maintainable in view of the decision of the Hon'ble Supreme Court in **Union of India vs. Kunishetty Satyanarayana [(2006) 12 SCC 28]**.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No  
NCC : Yes / No  
Internet : Yes  
ssb

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**B.PUGALENDHI, J.**

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