



W.P(MD)No.27385 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27385 of 2023

and

W.M.P(MD)No.23529 of 2023

D.V.D.Teacher Training Institute,
Represented by its Secretary,
Kottar – 629002.
Nagercoil,
Kanyakumari District.

... Petitioner

Vs.

- 1.The Regional Director,
National Council for Teacher Education,
Southern Regional Committee,
G-7 Sector -10 Dwaraka,
Delhi – 110 075.
- 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



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to approve the admission of all the 15 eligible students admitted in the petitioner institute for the academic year 2023-2024 (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 first respondent herein.

For Petitioner : Mr.K.V.N.Siva

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner is imparting education in teacher training. It has obtained recognition from National Council for Teacher Education (NCTE) also. The petitioner faced difficulties following the promulgation of G.O(Ms)No.87 School Education Department dated 28.05.2019. The said Government Order was the subject matter of



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W.P(MD)Nos.13478 of 2020 and 9817 of 2022. Vide order dated 27.06.2022 I had held that the said Government Order cannot be applied in the case of self financing institutions.

3. The learned Additional Government Pleader would claim that the petitioner is an aided institution and therefore they cannot claim the benefit of the order dated 27.06.2022 passed by me in the aforesaid writ petitions.

4. The learned counsel appearing for the petitioner made bold to assert that for the last several years, the petitioner is not receiving any aid and it is running only on self financing basis.

5. Be that as it may, the petitioner had earlier filed W.P(MD)No. 780 of 2023 for the academic year 2022-23. The relief sought for in the writ petition is similar to the one now sought for. On 24.02.2023, the writ petition was allowed by me in the following terms:

“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),



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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



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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."

The very same approach deserves to be adopted in the present case also. The respondents 2 and 3 are directed to approve the admission of all the fifteen (15) students in the petitioner institution for the academic year 2023-24.

6. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note : Issue order copy on 23.11.2023.



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G.R.SWAMINATHAN, J.

MGA

To

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