



W.P.No.31942 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.31942 of 2024

Sri Balaji Educational Trust,
Rep. by its Managing Trustee,
Krishnagiri Main Road, Periyannahalli,
Dharmapuri District – 635 205.
...Petitioner

Vs.

1. The Appellate Authority,
National Council for Teacher Education,
G-7, Sector -10, Dwarka, New Delhi-110 075.
2. The Regional Director,
Southern Regional Committee NCTE,
Plot No.G7, Sector-10, Dwarka, New Delhi-110 075. ...Respondents

Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Writ of Mandamus directing the first respondent to
condone the delay in filing the appeal against the order passed by the second
respondent dated 21.02.2023 for withdrawing the recognition to the
petitioner's B.Ed College.

For Petitioner : Mr.V.R.Kamalanathan



WEB COPY



W.P.No.31942 of 2024

For Respondents : Mr.J.Harikrishna, SC

ORDER

This Writ petition has been filed by the petitioner seeking to direct the 1st respondent to condone the delay in filing the appeal against the order passed by the 2nd respondent dated 21.02.2023 for withdrawing the recognition to the petitioner's B.Ed College.

2. The case of the petitioner is that, the petitioner trust is running B.Ed., course from the academic year 2005 onwards with due recognition from the National Council for Teacher Education and affiliation from the concerned University for one basic unit of 100 students at the time of starting the institution and the 2nd respondent also given recognition to the petitioner college for annual intake of 100 students. During the academic year 2018, the Nation Council for Teacher Education has revised the norms and made 50 students as one basic unit and changed the duration of B.Ed., course into two years from the academic year 2016-2017 onwards. Pursuant to the same, the 2nd respondent issued a show cause notice dated 20.06.2019 to the petitioner institution mentioning certain deficiencies and upon receipt of the same, the petitioner institution rectified the said deficiencies and sent a reply dated



W.P.No.31942 of 2024

24.09.2019. However, despite the same, the 2nd respondent, once again issued another show cause notice dated 03.02.2022 pointing out certain other deficiencies and despite receiving the same as early as on 08.02.2022, as the Managing trustee of the petitioner trustee suffered from Covid-19, they could not send appropriate reply, despite complying with the deficiencies pointed out by the 2nd respondent, vide show cause notice dated 03.02.2022. While so, the 2nd respondent, without hearing the petitioner institution had passed orders for withdrawal of recognition granted to the petitioner institution in the meeting held on 21.02.2023, which is wholly unsustainable. However, due to unavoidable situations, the petitioner could not prefer an appeal within the stipulated time. Thereby, the petitioner sent a representation dated 04.09.2024 to the 1st respondent seeking to condone the delay in preferring the appeal against the order of the 2nd respondent dated 21.02.2023, which evoked no response. Hence, this Writ Petition.

3. Learned counsel for the petitioner submitted that, the delay on the part of the petitioner institution in preferring an appeal against the order of withdrawal of recognition granted in favour of the petitioner institution is neither wilful nor wanton and the same was caused due to the health ailments



W.P.No.31942 of 2024

suffered by the Chairman of the petitioner institution. Unless, the delay in filing an appeal is condoned by the 1st respondent, the petitioner will not be able to prefer appeal, since the appeal has to be filed before the 1st respondent through online mode and if the delay is not condoned and the petitioner will not be permitted to prefer appeal before the 1st respondent through online and the same would cause great prejudice to the petitioner. Accordingly, he prayed for appropriate orders.

4. Learned Standing counsel appearing on behalf of the respondents fairly submitted that, the petitioner's representation dated 04.09.2024 will be considered and appropriate orders will be passed, enabling the petitioner to prefer an appeal against the order of the 2nd respondent dated 21.02.2023, without insisting upon the delay period.

5. In view of the aforesaid submission made by the learned Standing counsel appearing for the respondents, this Court, without going into the merits of the case, directs the 1st respondent to condone the delay in preferring the appeal against the order of the 2nd respondent dated 21.02.2023, by considering the petitioner's representation dated 04.09.2024 on merits and in



W.P.No.31942 of 2024

accordance with law and permit the petitioner to prefer an appeal, without insisting upon the delay. If such appeal is filed by the petitioner either through online or through physical mode, the 1st respondent shall dispose of the same within a period of eight weeks from the date of filing of the said appeal by the petitioner, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

6. With the above directions, this Writ Petition stands disposed of. No costs.

30.10.2024

skt

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

M.DHANDAPANI, J.

skt

Page No.5 of 6



W.P.No.31942 of 2024

WEB COPY

To:

1. The Appellate Authority,
National Council for Teacher Education,
G-7, Sector -10, Dwarka, New Delhi-110 075.
2. The Regional Director,
Southern Regional Committee NCTE,
Plot No.G7, Sector-10, Dwarka, New Delhi-110 075.

W.P.No.31942 of 2024

30.10.2024