



WEB COPY



W.P. No. 38126 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.12.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE VIVEK KUMAR SINGH**

**W.P.No.38126 of 2024 and**  
**W.M.P. No.41259 of 2024**

Arcot Sri Mahalakshmi Women's College of Education  
Arani Main Road, Vellapakkam,  
Vellore District,  
Represented by its Secretary,  
Mr. AL. Ravi

... Petitioner

Vs.

1. National Council for Teacher Education,  
Southern Regional Committee,  
G-7, Section 10, Dwaraka,  
New Delhi 110 075,

2. The Registrar,  
Tamil Nadu Teachers Education University,  
Gangaiamman Koil Street,  
Karapakkam, Chennai 600 097

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent herein to open the portal for petitioner institution to upload the students details and grant continuous affiliation and approval of admission for the students in M.Ed., course for the academic session 2024-25 and for remittance of fee.



W.P. No. 38126 of 2024

For Petitioner : Mr. S. Bharathi Rajan  
For R1 : Mr. J. Harikrishna, Standing Counsel  
For R2 : Mr. D. Ravichandran

### **ORDER**

This Writ Petition has been filed to direct the second respondent to open the portal enabling the petitioner institution to upload the students' details and grant continuous affiliation and approval of admission for the students in M.Ed. course for the academic session 2024-25 and also for remittance of fee.

2. The case of the petitioner in a nutshell is as follows:

2.1. The petitioner Institution was established and granted recognition to run B.Ed. course from the academic year 2007-2008 and M.Ed. course from the year 2009. By communication dated 02.09.2021, the second respondent withdrew the recognition granted to the petitioner for non compliance of final show cause notice dated 21.01.2019 and the same was also confirmed by the first respondent.



W.P. No. 38126 of 2024

WEB COPY

2.2. Aggrieved over the same, the petitioner filed W.P. Nos.28294 and 28705 of 2023 and, by a common order dated 5.6.2024, this Court has disposed of the writ petitions with a direction to the respondents to consider the application of the petitioner after documents were submitted by the petitioner afresh. Pursuant to this order, after submission of the documents by the petitioner, the first respondent has deferred further action on the reason that an appeal was pending with the Appellate Authority in respect of B.Ed. Course of the petitioner institution.

2.3. Pursuant to the order dated 29.10.2024 in W.P.No.31568 of 2024 (second round of litigation), the petitioner Institution was allowed to upload students' details insofar as B.Ed. Course is concerned, however, they are not permitted to access the portal to upload the details of students who were admitted in M.Ed. course. According to the petitioner, unless the students' details are uploaded and necessary fee is paid, their admission cannot be recognized. Hence, the present writ petition is filed for the relief stated *supra*.

3. Heard the learned counsel appearing on either side.



WEB COPY

4. The learned standing counsel for the second respondent submitted that an appeal has been preferred by the petitioner before the first respondent. In this regard, he brought to the notice of this Court the judgment of the Hon'ble Supreme Court in ***Tamil Nadu Dr. MGR Medical University vs. SVS Educational and social trust*** reported in ***(2019) 12 Supreme Court Cases 613***, in which it has been held that such grievances cannot be entertained unless the same has been granted by the competent authority. The relevant portion of the said judgment is extracted hereunder:

*"It is clear from the record that the first respondent University does not have the requisite approval from the Central Government as provided in Section 12-A of the Act. As the consent to affiliation was granted subject to the approval from the Central Government for the period of one year, the request made by the first respondent for continuance of provisional affiliation was rightly rejected by the appellant. We are in agreement with the submission made by the learned Advocate General for the State of Tamil Nadu that as the first respondent did not have provisional*



WEB COPY



W.P. No. 38126 of 2024

*affiliation, there was no question of continuance of the provisional affiliation to the first respondent. The first respondent is not entitled for the relief that was granted by the High Court for admission of students to the first BHMS degree course for the academic year 2017-2018 as it has neither approval from the Central Government nor affiliation from the appellant. Exercise of jurisdiction in favour of provisional admissions during the pendency of a writ petition exposes the students to the risk of losing precious years in case of dismissal of the writ petition. Courts should desist from passing interim orders directing provisional admissions of students."*

5. In view of the above decision, since a statutory appeal, with regard to the same relief as sought for in the present writ petition, is pending before the first respondent, the respondents are directed to pass appropriate orders in accordance with law considering all the aspects of the matter, preferably within a period of two weeks from today.



W.P. No. 38126 of 2024

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

**13.12.2024**

Index : Yes/No  
Speaking Order : Yes/No  
bga

To:

1. National Council for Teacher Education,  
Southern Regional Committee,  
G-7, Section 10, Dwaraka,  
New Delhi 110 075,
2. The Registrar,  
Tamil Nadu Teachers Education University,  
Gangaiamman Koil Street,  
Karapakkam, Chennai 600 097



WEB COPY



W.P. No. 38126 of 2024

**VIVEK KUMAR SINGH,J.**

bga

**W.P.No.38126 of 2024**

**13.12.2024**