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W.P.(MD)NO.4316 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4316 of 2024

The Secretary,
St. Justin's College of Education,
No.161, Kamaraj Salai,
Madurai District – 625 009.

... Petitioner

Vs.

1. The National Council for Teacher Education,
Rep. by its Secretary,
Hans Bhawan, Wing II,
Bahadurshahzafar Marg,
New Delhi – 110 002.

2. The Regional Director,
Southern Regional Committee(SRC),
National Council for Teacher Education,
G-&, Sector-10(Near Sector-10 Metro Station),
Dwarka, New Delhi – 110 075.

3. The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.

4. Tamil Nadu Teacher Education University,
Rep. by its Registrar,
Gangaiamman Koil Street,
Karapakkam, Chennai – 600 005.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent University to forthwith permit the petitioner's college to upload the students admitted for B.Ed. programme (Additional Intake) and M.Ed Programme (name List annexed) for the academic year 2023-2024 in their official website and further permit them to take their periodic examinations and to get the results released and to award the Degrees.

For Petitioner : Ms.A.Amala

For R-1 & R-2 : Mr.Su.Srinivasan,
Standing Counsel.

For R-3 : Mr.K.S.Selvaganesan,
Additional Government Pleader.

For R-4 : Mr.F.Deepak
* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing counsel appearing for respondents 1 and 2 and the learned Additional Government Pleader appearing for the third respondent and the learned Standing counsel appearing for the fourth respondent.

2. The writ petitioner is imparting education in B.Ed. degree + M.Ed. Degree. It is having aided as well as unaided systems. The



petitioner's recognition was withdrawn by NCTE insofar as the additional intake in respect of B.Ed., course and M.Ed. course. The petitioner has filed this writ petition stating that the exams for B.Ed. and M.Ed. are to be held from 06.03.2024 and today is the last day for payment of fee with penalty.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of this petition and called upon this Court to grant relief as prayed for.

4. I am not persuaded by the said submission. As rightly pointed out by the learned Standing counsel, this writ petition itself is not maintainable. Challenging the withdrawal of affiliation made by the NCTE on 27.12.2021, the petitioner filed an appeal and it was dismissed on 12.07.2022. Challenging the same, the petitioner filed W.P.(C)Nos. 15153 and 15155 of 2022 before the Delhi High Court. The petitioner also obtained interim relief for the year 2022-2023. Having invoked the jurisdiction of the Delhi High Court, the petitioner cannot be allowed to indulge in forum shopping by filing the present writ petition. This objection made by the learned Standing counsel is well founded.

5. I am not inclined to entertain this writ petition. Liberty is



given to the petitioner to move this Court again for relief if the writ petitions filed before the Delhi High Court are withdrawn with liberty to file fresh writ petition on the same cause of action. This writ petition stands dismissed. No costs.

23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The State of Tamil Nadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St. George, Chennai – 600 009.



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G.R.SWAMINATHAN,J.

PMU

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