



W.P.No.26854 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.26854 of 2025
and W.M.P.Nos.30188 and 30190 of 2025

Victory College of Education
Kambiliampatty – Post
Dindigul – 624 306
Rep. by its Correspondent
Mr.V.Rajarajan

... Petitioner

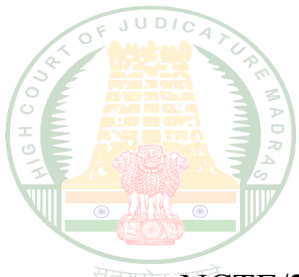
Vs.

1.The National Council for Teacher Education
Rep by its Member Secretary
G-7, Sector-10, Dwarka, New Delhi-110075.

2.The Regional Director
Southern Regional Committee
National Council for Teacher Education
Rep by its Member Secretary
G-7, Sector-10, Dwarka, New Delhi-110075.

3.The Director
State Council of Educational Research and Training
College Road, Nungambakkam, Chennai 600 006. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, to call for the records pertains
to the impugned order vide File No.



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NCTE/2025/SRC/PAR/ORDER/APSO4125/149970 dated 04.06.2025 and
quash the same.

For Petitioner : Mr.C.Robert Bruce
For R1 and R2 : Mr.J.Harikrishnan
Standing Counsel
For R3 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

By consent of both the learned counsel for the parties, the Writ
Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a
Writ of Certiorari, to call for the records pertains to the impugned order vide
File No.NCTE/2025/SRC/PAR/ORDER/APSO4125/149970, dated
04.06.2025 and quash the same.

3. Heard the learned counsel for both sides and perused the materials
available on record.



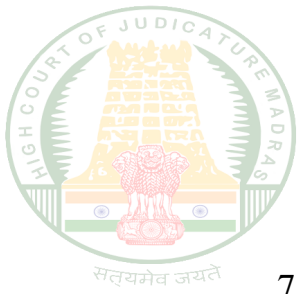
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4. The learned counsel for the petitioner would submit that for the trivial reasons of non-submission of 'Performance Appraisal Report' for the Academic Years 2021-2022 and 2022-2023, the 2nd respondent, vide impugned order dated 04.06.2025, has derecognised the petitioner's Institution with effect from the Academic Session 2025-2026. It is the submission of the petitioner that on receipt of the show cause notice from the 2nd respondent, they have submitted all material records explaining their stand. But without even considering their explanation, the 2nd respondent has passed the impugned order. Hence, prayed to interfere with the same.

5. At this juncture, the learned Standing Counsel appearing for the respondents 1 and 2 would submit that the petitioner has got an appellate remedy under Section 18 of the National Council for Teacher Education Act, 1993 (hereinafter referred to as 'NCTE Act' for brevity). Therefore, he would contend that the proper remedy for the petitioner would only by preferring an appeal before the Appellate Authority.

6. I have given my anxious consideration to the submissions made on either side.



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7. It is well settled principle of law that though the writ petition is maintainable inspite of availability of alternative remedy, such right can be exercised only the petitioner satisfies the triple test stipulated in the judgment of the Hon'ble Supreme Court in ***Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai and others reported in 1998 (8) SCC 1***. In the case in hand, the issue involved is whether the 2nd respondent has considered the petitioner's explanation are not, which is factual in nature. Therefore, this Court deems it appropriate that the proper forum to adjudicate the factual issue would only be the Appellate Authority as provided under Section 18 of the NCTE Act.

8. Therefore, this Court is of the firm view that the petitioner may be directed to file an appeal before Appellate Authority, within a period of two weeks from the date of receipt of copy of this order. On such filing of the appeal, the Appellate Authority is directed to dispose of the same, within a period of eight weeks thereafter. Until then, there shall be an order of interim stay of the impugned order dated 04.06.2025.



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9. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

24.07.2025

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Index : Yes/No
Speaking order /Non Speaking Order
Neutral Citation : Yes/No
dm

To

- 1.The Member Secretary
National Council for Teacher Education
G-7, Sector-10, Dwarka, New Delhi-110075.
- 2.The Regional Director
Southern Regional Committee
National Council for Teacher Education
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C.KUMARAPPAN, J.

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