

W.P.(MD).No.28024 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 17.12.2024

Pronounced on : 24.02.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.28024 of 2024

and

W.M.P.(MD)Nos.23772 and 23773 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,
Bahadur Shahzafar 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.



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4. Tamilnadu 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, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned minutes of the 444th SRC meeting held on 15th - 16th October 2024 in so far as Serial No.62 File No.AOSO0442, APSO6134, quash the same in so far as denying the recognition for petitioner's college for conducting B.Ed., programme (2 basic units) and M.Ed., programme w.e.f., the academic year 2025-2026 and further direct the respondents 1 and 2 to issue continuation of recognition for petitioner's college for conducting for B.Ed., programme (2 basic units) and M.Ed., programme from the academic year 2024-2025 onwards based on the detailed proposal submitted by the college on 25.10.2024.

For Petitioner	: Sr.A.Amala
For R-1 & R-2	: Mr.Gowri Shankar, Standing counsel
For R-3	: Mr.T.Amjad Khan, Government Advocate
For R-4	: Mr.F.Deepak, Standing counsel



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ORDER

This writ petition is filed to call for the records relating to the impugned minutes of the 444th SRC meeting held on 15th - 16th October 2024 in so far as Serial No.62 File No.AOSO0442, APSO6134, quash the same in so far as denying the recognition for petitioner's college for conducting B.Ed., programme (2 basic units) and M.Ed., programme w.e.f., the academic year 2025-2026 and further direct the respondents 1 and 2 to issue continuation of recognition for the petitioner college for conducting for B.Ed., programme (2 basic units) and M.Ed., programme from the academic year 2024-2025 onwards based on the detailed proposal submitted by the college on 25.10.2024.

2.The Petitioner Institution is a recognized minority educational institution established in the year 1968 and duly recognized by the first respondent, namely, the National Council for Teacher Education (hereinafter to be referred as NCTE). The petitioner institution is running B.Ed., and M.Ed., degree courses both under the aided and under the self-financing scheme. The first respondent / NCTE is responsible for maintaining norms and standards for teacher education across the country. The second respondent, Southern Regional Committee (hereinafter to be referred as



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SRC) is responsible for the grant of recognition to teacher education institutes in the State of Tamil Nadu. The petitioner institution applied before the second respondent for grant of recognition to conduct the B.Ed., course. After processing the application of the petitioner institution, the second respondent issued a certificate of recognition order on 03.09.1996 to the petitioner institution for running the B.Ed., course of one year duration with an annual intake of 100 seats.

3.While being so, the NCTE in exercise of its powers conferred under Section 32 of the NCTE Act, 1993, framed NCTE (recognition norms and procedure) regulations, 2007, which came into force with effect from 16.12.2007, which provides for the manner of making an application by a teacher training institute and processing thereof by the regional committee concerned. Following which the petitioner college applied before the SRC / second respondent for grant of recognition to conduct the M.Ed., course. After processing the application of the petitioner institution, the second respondent issued a certificate of recognition order on 09.08.2007 to the petitioner institution for running the M.Ed., course with a duration one year with an annual intake of 25 seats at the first instance. Thereafter, the petitioner institution further made an application for grant of recognition to

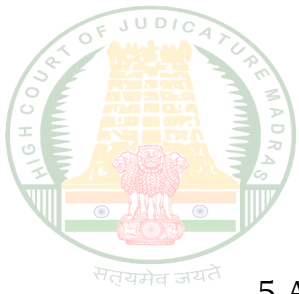


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conduct the B.Ed., course, that is, the second basic unit before the second respondent. After processing the application of the petitioner institution, the second respondent issued a recognition order dated 28.04.2009 granting recognition to the petitioner institution for running the second basic unit of B.Ed., course with an annual intake of 100 seats.

4.Thus, the recognition order dated 28.04.2009 made the petitioner college eligible for a total intake of 100 seats, that is one basic unit under the aided scheme and an additional 100 seats under the self-financing scheme as a second basic unit. As per the general letter dated 30.07.2010 the intake of the petitioner institution as far as M.Ed., course is concerned, the seats were enhanced from 25 seats to 35 seats. While being so, the NCTE in exercise of its power conferred under Section 32 of the NCTE Act, 1993 framed the NCTE (recognition norms and procedure) regulations, 2014, which came into force with effect from 01.12.2014. In terms of the new NCTE regulations, the duration of both the B.Ed., and M.Ed., courses was increased from one year to two years. Following which, in terms of the new NCTE regulations, 2014, all the regional committees of NCTE were required to issue revised orders of recognition to the already recognized institution in respect of each recognized course.



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5. Accordingly, before issuing revised recognition orders, the second respondent sought consent / willingness from each institution in respect of the number of units desired to be run by the institution. Since the duration of the course was increased from one to two years, the existing infrastructure and instructional facilities available with the petitioner institution were with respect to 50 seats (one unit) only for the M.Ed., course of two years duration and 100 seats (two units) only, that is, 50 seats in the aided stream and 50 seats in the self-financing stream, for the B.Ed., course of two years duration, respectively. The second respondent, after receiving the affidavit expressing the willingness of the petitioner institution, issued a revised recognition order dated 13.05.2015 and 25.05.2015 to the petitioner institution for conducting the B.Ed., (two basic units) course with an intake of 100 students and the M.Ed., course with an annual intake of 50 students from the academic session 2015-16, respectively, with the direction to submit compliance to the conditions contained in the revised recognition order in respect of the new NCTE regulations, 2014. The second respondent issued a revised recognition order dated 03.07.2015 to the petitioner institution for conducting B.Ed., course of two years duration with an annual intake of 50 plus 50 students each for the two basic units from the academic session 2015-2016 under the aided and self-financing stream,

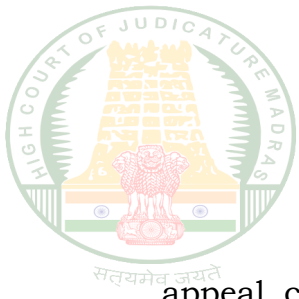


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respectively, with a direction to submit compliance to the conditions contained in the revised recognition order regarding enhancement of additional faculty and infrastructural facilities.

6.However, to the shock and surprise of the petitioner institution, the second respondent in its 405th meeting held on 13-14th December 2021, SRC vide proceedings in F.SRO / NCTE / APS 08882 / B.Ed., - AI / (TN) / 2021 / 29599 and F.SRO / NCTE / APS 06134 / M.Ed., / (TN) / 2021 / 29598 dated 27.12.2021, withdrew the recognition of the petitioner's institution in respect of both the B.Ed., (additional intake) course and the M.Ed., course, respectively. The petitioner institution by letter dated 04.01.2022, requested the second respondent to grant recognition for conducting the B.Ed., course with a basic intake of 100 students and the M.Ed., course with a basic intake of 50 students. However, in the absence of any positive response from the second respondent, the college wrote a detailed letter on 08.02.2022 appraising the position of the college requesting to restore the recognition to the petitioner institution for running the second basic unit of the B.Ed., and the M.Ed., course. Simultaneously, the petitioner institution preferred an online statutory appeal before the

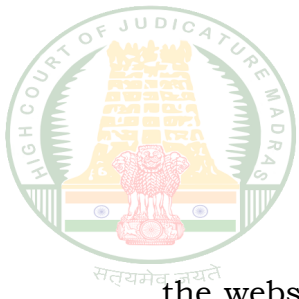


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appeal committee of NCTE on 15.03.2022 challenging the withdrawal of recognition order dated 27.12.2021.

7.However, the appeal committee, vide consequential order dated 12.07.2022, rejected the appeal of the college. Challenging the same, the petitioner college filed two writ petitions in WP(C).15153 of 2022 and WP(C) 15155 of 2022 before the Honourable Delhi High Court. Pursuant to the same, the petitioner institution was enabled to participate in the counselling and admission for the academic year 2022-2023 by the interim order passed by the Delhi High Court dated 02.11.2022 in the aforesaid writ petitions and the same was permitted by the second respondent vide order in file No.SRO / NCTE /APSO6134 / M.Ed., / TN /2022 dated 09.11.2022. **Accordingly, the affiliating university permitted the college to access the website to admit the students for the academic year 2022-2023 and permitted them to write exams, and the results were also published. The petitioner college further admitted four students to the B.Ed., (second basic unit) and 44 students for M.Ed., programme for the academic year 2023-2024 in the month of September 2023.** Under such circumstances the petitioner college approached the affiliating university, that is, the fourth respondent, on various occasions, requesting to access



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the website to admit the students. However, the said access was refused by the fourth respondent and thereafter the university also announced the exam timetable to conduct the first semester from 06.03.2024 onwards.

8.Hence, the petitioner was constrained to file a writ petition in W.P. (MD)No.4316 of 2024 before this Court seeking to direct the fourth respondent university to permit the petitioner college to upload the students admitted for the B.Ed., programme (Additional intake) and the M.Ed., programme for the academic year 2023-2024 in their official website forthwith and further permit them to take the periodical examination and to get the results released and to award the degrees. However, this Court by order dated 23.02.2024 dismissed the writ petition observing that the petitioner institution having invoked the jurisdiction of the Delhi High Court cannot be allowed to indulge in forum shopping by filing the writ petition in W.P.(MD)No.4316 of 2024 before this Court. However, liberty was given to the petitioner to move this Court again for the relief if the writ petitions which were filed before the Delhi High Court are withdrawn with liberty to file a fresh writ petition on the same cause of action. However, the Hon'ble Delhi High Court had dismissed the aforesaid writ petitions in WP(C) 15153 of 2022 and 15155 of 2022 by order dated 28.02.2024 without giving any



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liberty to the petitioner to agitate before this Court for the same cause of action. Thereafter, the petitioner institution filed two writ petitions in W.P. (MD)No.5091 of 2024 and 5092 of 2024 before this Court challenging the withdrawal order dated 27.12.2021, and the consequential appeal order dated 12.07.2022 and further seeking to direct the respondents 1 and 2 to restore the recognition for the M.Ed., programme conducted in the petitioner college and the B.Ed., (additional intake) programme conducted in the petitioner's college with effect from the academic session 2022-2023 onwards, respectively.

9.Though the Honourable Delhi High Court had dismissed the petitioner's writ petitions on a similar cause of action by order dated 28.02.2024 without giving liberty to the petitioner to file a similar writ petition on the same cause of action, this Court was pleased to take both the writ petitions on file considering the welfare of students. As far as the question of restoring the recognition for the M.Ed., programme conducted in the petitioner college with effect from the academic session 2022-2023, this Court was pleased to dismiss the writ petition in W.P.(MD)No.5091 of 2024 by order dated 04.03.2024. However, as far as the question as to the recognition for the B.Ed., (additional intake) programme conducted in the



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petitioner college, the impugned orders were quashed by this Court in W.P. (MD)No.5092 of 2024, by order dated 04.03.2024, directing the 4th respondent affiliating university, to open the web portal, thereby directing to permit the petitioner to upload the list of students admitted for the year 2023-2024. The petitioner was further directed to furnish all the relevant particulars, including a list of candidates, before the second respondent and the second respondent was given liberty to verify the correctness of the particulars to be furnished by the petitioner.

10.Pursuant to the dismissal of the writ petition in W.P.(MD)No.5091 of 2024 dated 04.3.2024 by this Court, 44 students who were admitted for the M.Ed., course for the academic year 2023-2024 were not permitted to write their examinations. However, four students admitted in the second unit for the B.Ed., programme was allowed to appear for the examination which was held on 06.03.2024, pursuant to the order passed by this Court in W.P.(MD)No.5092 of 2024. The petitioner college had furnished all the details for seeking recognition of the M.Ed., course from the academic year 2023-2024 vide proposal dated 03.07.2023 through registered post and also had sent a reminder on 23.03.2024 through registered post. In the meanwhile, the college received a show cause notice of the second

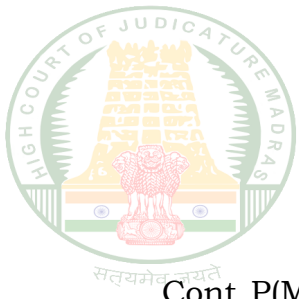


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respondent on 10.04.2024, and on receipt of the same, the college had furnished all the relevant documents as required by the second respondent. Since the second respondent did not come forward to further sanction the petitioner's proposal, the petitioner institution filed a writ petition in W.P. (MD)No. 12622 of 2024 seeking direction against the first and second respondents to restore the recognition for the B.Ed., programme second basic unit from the academic session 2022-2023 onwards based on the detailed proposal submitted by the college on 01.04.2024 and reminder on 18.04.2024. Simultaneously yet another writ petition in W.P.(MD)No.12061 of 2024 was also filed by the petitioner institution seeking to direct the first and second respondents to restore the recognition for M.Ed., programme conducted in the petitioner's college from the academic session 2023-2024 onwards based on the detailed proposal submitted by the college on 03.07.2023 and the reminder on 23.03.2024.

11.This Court was pleased to allow the writ petition in W.P.(MD)No. 12061 of 2024 on 10.06.2024 and W.P.(MD)No.12622 of 2024 on 28.06.2024 directing the second respondent to consider the proposal and pass orders within a period six (6) weeks. Since the same was not duly complied with, the petitioner was constrained to file a contempt petition in



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Cont P(MD)No.1702 of 2024 before this Court. During the pendency of the contempt petition, the second respondent sought for certain additional particulars and the petitioner college also furnished the same. However, to the shock and surprise of the petitioner college, the second respondent vide impugned 444th meeting held on 15-16th October 2024 in serial number No. 62 in file No.AOSO0442, APSO613 for the B.Ed., and M.Ed., courses passed the impugned order deciding to issue continuation of recognition order for 1 unit (50) students of B.Ed., programme and 1 unit (50) students for M.Ed., programme with effect from the academic year 2025-2026. Challenging the same and requiring this Court to direct the respondents 1 and 2 to issue a continuation of recognition for the petitioner's college for conducting B.Ed., programme (2 basic units) and M.Ed., programme from the academic year 2024-2025 onwards based on the detailed proposal submitted by the college on 25.10.2024, this writ petition is filed.

12.Heard the learned counsel for the writ petitioner, Ms. Amala who reiterated all the contentions raised in the affidavit filed along with the writ petition and the learned standing counsel appearing for the first and second respondents, Mr. Gowri Shankar who reiterated the contentions in his



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counter affidavit and the learned counsel for the fourth respondent, Mr.F.Deepak who appeared for the fourth respondent, University and carefully perused the materials available on record.

13.The second respondent passed the order of withdrawing the recognition of the petitioner's college for conducting M.Ed., programme with effect from the academic session 2022-2023 onwards, vide proceedings in F.SRO/NCTE/APS06134/M.Ed.,/(TN)/2021/29598 dated 27.12.2021. As against the same, the writ petitioner preferred a statutory appeal before the first respondent / NCTE and the first respondent, by order in proceedings APPLSRC202214319 dated 12.07.2022, rejected the appeal filed by the petitioner Institution confirming the order of the second respondent. In similar lines, the second respondent also withdrew the recognition of the petitioner college for conducting B.Ed., (additional intake) programme with effect from the academic session 2022-2023 onwards, vide proceedings in F.SRO/NCTE/APS08882/B.Ed.,-AI/(TN)/2021/29599 dated 27.12.2021. The petitioner Institution preferred a statutory appeal as against the same before the first respondent and the first respondent preferred to reject the appeal by proceedings in APPLSRC202214320 dated 12.07.2022 confirming the order passed by the second respondent. Challenging both the orders, the



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petitioner Institution preferred two writ petitions before the Honourable Delhi High Court in WP(C) 15153 of 2022 and 15155 of 2022. Pursuant to the Interim Order of the Honourable Delhi High Court in the aforesaid writ petitions dated 02.11.2022, the second respondent vide order in File No. SRO/NCTE/APS06134/M.Ed.,/TN/2022, dated 09.11.2022, permitted the petitioner Institution to participate in the counselling and admission for the academic year 2022-2023, following which the affiliating University also permitted the petitioner Institution to access the website to admit the students for the academic year 2022-2023 and permitted them to write exams and the results were also published.

14. During the pendency of the aforesaid writ petitions before the Honourable Delhi High Court, the petitioner College further admitted four students to the B.Ed., second basic unit and 44 students for the M.Ed., programme for the academic years 2023-2024 in the month of September 2023. Since the Interim Order passed by the Honourable Delhi High Court in writ petitions in WP(C) 15153 and 15155 of 2022 enabled the petitioner to admit students only for the academic year 2022-2023, the fourth respondent affiliating University did not permit the petitioner College to access its website to admit the students for the academic year 2023-2024.



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Hence, the petitioner filed yet another writ petition before this Court in W.P. (MD)No.4316 of 2024, seeking to direct the fourth respondent University to permit the petitioner College to upload the students admitted for B.Ed., programme (additional intake) and M.Ed., programme for the academic year 2023-2024 and the same came to be dismissed by the order of this Court on 23.02.2024 and the relevant portion of the same is extracted as followsd:

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.



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15. Having failed in its attempt to get an order from this Court directing the fourth respondent University to permit the petitioner College to upload the students admitted for the B.Ed., programme (additional intake) and M.Ed., programme for the academic year 2023-2024, the petitioner Institute proceeded to the Honorable Delhi High Court and preferred to withdraw the aforesaid writ petitions in WP(C) 15153 of 2022 and 15155 of 2022 and the Honorable Delhi High Court dismissed the aforesaid writ petitions as withdrawn by order dated 28.02.2024. However, without giving liberty to the petitioner to agitate the same matter before this Court. The relevant portion of the same are extracted as follows:

“3.W.P.(C) 15155 / 2022 is dismissed as withdrawn.

4.This Court is not expressing any opinion on whether any alternate remedy is available to the petitioner.

5.In view of the fact that Mr.Madan seriously contests the prayer for liberty as sought by Mr.Ravi Kant, this Court is not expressing any opinion thereon.

6.The next date of 18 March 2024 already fixed in the matter is cancelled.

3.W.P.(C) 15153/2022 is dismissed as withdrawn.



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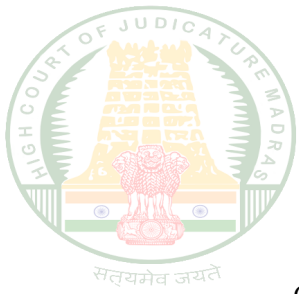
4.This Court is not expressing any opinion on whether any alternate remedy is available to the petitioner.

5.In view of the fact that Mr.Madan seriously contests the prayer for liberty as sought by Mr.Ravi Kant, this Court is not expressing any opinion thereon.

6.The next date of 18 March 2024 already fixed in the matter is cancelled.”

16.Even thereafter the petitioner Institution proceeded to challenge the aforesaid impugned order dated 27.12.2021 and the consequential appeal order dated 12.07.2022 before this Court by filing two writ petitions in W.P.(MD)Nos.5091 of 2024 and 5092 of 2024 with respect to the recognition for B.Ed., (additional intake) programme and M.Ed., programme from the academic session 2022-2023 onwards, respectively. As far as W.P. (MD)No.5091 of 2024 with respect to the restoration of recognition for M.Ed., programme conducted in the petitioner College with effect from the academic session 2022-2023 onwards, this Court proceeded to dismiss the same by order dated 04.03.2024 and the relevant portion of the same is extracted as follows:

“3.Even before the learned senior counsel could commence his argument, the learned standing counsel pointed



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out that for running M.Ed degree courses with 50' students intake, faculty strength must be 10. At the time of passing the impugned order by the regional authority, the petitioner herein did not have requisite faculty strength. Even according to the learned senior counsel appearing for the petitioner, the approved faculty strength was only 4. Even this is contested by the learned standing counsel for NCET. When the regulation stipulates that an approved faculty strength must be 10, since the petitioner did not possess the said strength, the question of interfering with the impugned order will not arise at all. The learned senior counsel states that since the academic year 2023-24, they have full strength and it has also been submitted to SRC on 03.07.2023. It is for SRC to take a call.

4.The Writ Petition is dismissed.”

17.A combined reading of the Interim Order passed by the Honorable Delhi High Court dated 02.11.2022 in WP(C) 15153 and 15155 of 2022, final Orders in WP(C) 15153 of 2022 and 15155 of 2022 dated 28.02.2024 and W.P.(MD)No.5091 of 2024 dated 04.03.2024 would make it clear that only by the strength of the Interim Protection given by the Honorable Delhi High Court in its Interim Order dated 02.11.2022 in WP(C) 15153 and 15155 of 2022, the students admitted in the Petitioner Institute for the

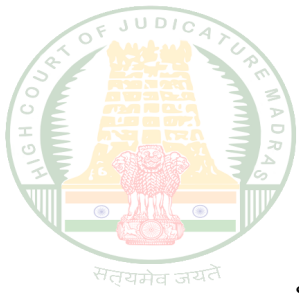


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academic year 2022-2023 were admitted, permitted to write exams and results were also published. Pursuant to the withdrawal of WP(C) 15153 and 15155 of 2022 which were pending before the Honorable Delhi High Court which were dismissed as withdrawn on 28.02.2024, the Interim Protection passed by the Honorable Delhi High Court by Order dated 02.11.2022 would automatically cease. Hence, the Petitioner Institution cannot on the strength of the aforesaid order claim any right to admit students during the academic year 2023-2024 either for the B.Ed., 2nd Basic Unit or for the M.Ed., programme. No doubt this Court by order dated 04.03.2024 in W.P.(MD)No. 5091 of 2024 had outrightly rejected the petitioner's claim seeking to restore the recognition for the M.Ed., programme conducted in the petitioner's College with effect from the academic session 2022-2023 onwards. Now, as far as the petitioner's claim to restore the recognition for the B.Ed., Additional intake programme conducted in the petitioner's College with effect from the academic session 2022-2023 onwards, this Court has dealt with the same in W.P.(MD)No.5092 of 2024. In its order dated 04.03.2024, this Court has held as follows:

"5. ..All along the petitioner's maximum intake for the first year of B.Ed., course was only 100 or less. I must also note that the petitioner in the affidavit filed in support of this writ petition had

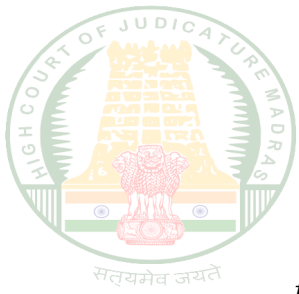


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sought for two basic units for B.Ed., alone. Therefore, the case of the petitioner should be tested only on the basis that the petitioner had only two basic units for their B.Ed., course. The regulations stipulate that for a basic unit of 50 students (100 students in two years), the full time faculty strength shall be 7 and 3 professional support staff. But if students for two years is 200, ie., for two basic units, the number of faculty shall be increased to a minimum of 15. In this case, I have already noted that the petitioner is having two basic units and that therefore, the faculty strength should not be less than 15. It is beyond dispute that the petitioner had faculty strength of 17. The original authority (SRC of NCTE) proceeded on the premise that the petitioner was having two basic units + two additional units for the first year. The SRC's resolution proceeds on the premise that the faculty list submitted by the institution was sufficient for one unit B.Ed., programme. In fact, the faculty was sufficient for two basic units. It was obviously not sufficient for additional intake beyond two basic units. The faculty staff were fully qualified. But this list was not approved by the affiliating body. It is seen from the record that all these appointments were subsequently approved. It is well settled that the approval will relate back to the dates of appointment. Though I would not apply the doctrine of relation back in normal circumstances, taking into account the interests of students, I hold that the faculty staff should be considered as approved faculty staff



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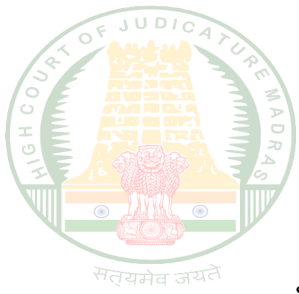


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from the dates when they were originally appointed. There is yet another consideration. The petitioner had admitted only 54 students for the year 2023-24 even though their sanctioned intake has been 100 (for two basic units).

6.As regards the conclusion regarding additional intake, the petitioner clarified the position before the appellate authority. But the appellate authority did not show any lenience only on the ground that the petitioner failed to write to NCTE. As rightly pointed out by the learned Senior Counsel for the petitioner, there was no occasion therefor. The order dated 03.07.2015 issued by NCTE had automatically superseded the earlier dated 13.05.2015 which spoke of additional intake.

7.The other two reasons given in the impugned order are rather trivial and they need not be taken note of. I cannot, of course, overlook the other contention advanced by the learned standing counsel for NCTE. The management challenged the impugned orders before the Delhi High Court. It obtained interim order on 02.11.2022 for admitting students for the year 2022-23. It did not have any interim order in its favour for the year 2023-24. I fail to understand as to how the management felt emboldened to admit students for the



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subsequent year. This is not expected from an institution like the petitioner. I have to necessarily censure the petitioner-institution for its conduct. In fact, I would have even imposed cost on the petitioner but I refrain from doing so since it is strongly submitted by the learned Senior Counsel for the petitioner that the petitioner is not a profit making institution.

8.The other objection advanced by the learned standing counsel no doubt is insurmountable. I must confess that my own order stares at my face. But the spirit of the earlier order passed by me on 23.02.2024 in WP(MD)No.4316 of 2024 is that the petitioner should not indulge in forum shopping (which they did). I was of the view that when the writ petition filed before the Delhi High Court was pending, they cannot parallelly invoke the jurisdiction of this Court. But now that impediment has gone. The Writ Petition filed before the Delhi High Court was withdrawn. But when the petitioner sought liberty, the Delhi High Court did not express any opinion thereon. In matters such as this which concerns the interest and welfare of students, one has to look beyond technicality. Even though the contention of the learned standing counsel is well founded, for the sake of students, I am inclined to hold that this writ petition is maintainable even though the petitioner failed to obtain liberty from the Delhi High Court.



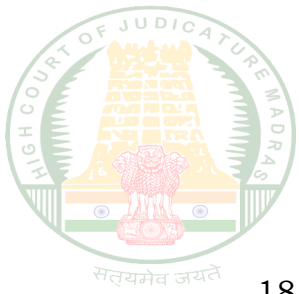
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9.In this view of the matter, the impugned orders are set aside. The matter is remitted to the file of the second respondent. The second respondent will issue notice to the petitioner and the petitioner shall place all the relevant materials for the consideration of the second respondent. The second respondent is at liberty to verify the correctness of the particulars to be furnished by the petitioner herein and pass an appropriate order. This shall be done as expeditiously as possible.

10.The learned Senior Counsel for the petitioner points out that exams are scheduled to be held from 06.03.2024. Since the order passed by the NCTE withdrawing recognition fro the petitioner-institution has been set aside by me, the fourth respondent is directed to immediately open the web portal. This shall be done immediately. The petitioner is permitted to upload the list of students admitted for the year 2023-24. The same shall be uploaded by the fourth respondent.

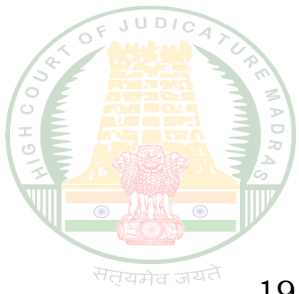
11.With this direction, this writ petition is allowed.



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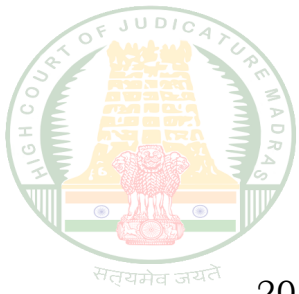
18.Pursuant to the same, names of the four students who were admitted in the additional intake, that is, the 2nd basic unit for B.Ed., programme who were admitted in the petitioner College for the academic year 2023-2024 were also permitted to be uploaded with the affiliating in the 4th respondent University and permitted to pursue their studies and write their examination. Neither the petitioner nor the respondents preferred any appeal as against the orders passed by this Court in W.P.(MD)Nos.5091 of 2024 and 5092 of 2024 dated 04.03.2024. Since there was a specific direction in W.P.(MD)No.5092 of 2024 dated 04.03.2024 to the 2nd respondent to verify the correctness of the particulars to be furnished by the petitioner Institution, the 434th meeting of the 2nd respondent was convened on 22.03.2024 and the committee took up the matter with respect to the petitioner Institution as Agenda 1 in the said meeting. Complying with the order passed by this Court in W.P.(MD)No.5092 of 2024 dated 04.03.2024, the 2nd respondent required the petitioner Institute to submit as many as 13 documents including the staff list duly approved by the affiliating body for each of the recognized teacher education programme being run by the institution.



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19.The committee also decided to issue a show cause notice under Section 17 of NCTE Act, 1993, before withdrawal of recognition on the grounds mentioned in the aforesaid minutes of the committee which was resolved in Agenda 1 in the 434th meeting dated 22.03.2024 of the 2nd respondent. In the meanwhile, the petitioner Institution had sent a reminder on 23.03.2024 by registered post seeking recognition for the B.Ed., 2nd Basic Unit programme from the academic year 2022-2023 with all necessary documents. Pursuant to the 2nd respondent's observation on the 434th meeting on 22.03.2024, the petitioner Institution submitted all the documents required by the 2nd respondent in the aforesaid meeting through registered post on 01.04.2024. The learned counsel for the petitioner had produced before me the track consignment which would reveal that the aforesaid documents were submitted by the petitioner Institution, pursuant to the SRC 434th meeting dated 22.03.2024 which was sent by registered post on 01.04.2024 and was received by the 2nd respondent office on 08.04.2024. On 10.04.2024, a Show Cause Notice under Section 17 of N.C.T.E. Act, 1993, was issued by the 2nd respondent seeking to respond within a period of 15 days from the date of issuance of the Show Cause Notice.



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20.Following which on 18.04.2024, the petitioner Institution had informed the 2nd respondent that all the documents as required under SRC 434th meeting has been already sent to the 2nd respondent by reply dated 01.04.2024. The learned counsel appearing for the petitioner, relied upon the track consignment which would reveal that the aforesaid reply had been delivered to the 2nd respondent on 23.04.2024. The petitioner Institution further filed two writ petitions in W.P.(MD)Nos. 12061 of 2024 and 12062 of 2024 before this Court seeking to direct the respondents 1 and 2 to restore the recognition for M.Ed., programme and B.Ed., programme 2nd Basic Unit conducted in the petitioner College from the academic session 2022-2023 onwards based on the proposal submitted by the college. This Court by order dated 10.06.2024 in W.P.(MD)No.12061 of 2024, disposed of the writ petition directed the 2nd respondent to consider the petitioner's request and pass appropriate orders within a period of six weeks from the date of receipt of copy of the order in the aforesaid writ petition.

21.A similar order was also passed in W.P.(MD)No. 12622 of 2024 by order dated 28.06.2024 directing the 2nd respondent to consider and pass orders within a period of six weeks from the date of receipt of copy of order in the aforesaid case. While being so, the 444th meeting of the Southern



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Regional Committee, that is, the 2nd respondent was held on 15-16th October 2024 at New Delhi. The matter pertaining to the Petitioner Institution was taken up as the 62nd Agenda in the minutes of the 444th meeting of the 2nd respondent dated 15-16th October 2024. In the aforesaid meeting, the 2nd respondent in their 444th meeting decided as follows:

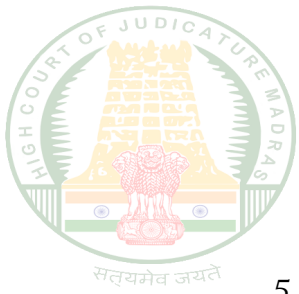
“62.St. Justins College of Education, 161-A, Kamaraja Salal, Madurai-62509, Tamilnadu.

File No. AOSO0442, APSO6134, Course:- B.Ed., M.Ed.,

The original file of the Institution along with other related documents, NCTE Act 1993, Regulations, Guidelines issued by NCTE from time to time, the SRC after careful consideration made the following observations: -

After considering the documents submitted by the Institution the committee observed that the staff members list provided by the Institution does not fulfil the mandatory eligibility requirements laid down by NCTE (Regulations Norms and Procedure) Regulations, 2014. It is observed that the following members do not fulfil the eligibility:

- 1. Mrs. M Rethi*
- 2.Mrs. D Thilagavathi*
- 3. Mrs. L Brigit*
- 4. Mrs. M Meenakshi*



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5. Mrs. A Arockia Gracy

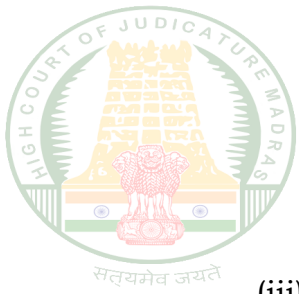
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Therefore, the Committee has decided to issue continuation of recognition order for 1 Unit (50 Students) of B.Ed., programme and 1 Unit (50 Students) for M.Ed., Programme w.e.f. the academic year 2025-2026.”

22.The writ petitioner has challenged the minutes of the second respondent in his 444th meeting agenda 62 dated 15th -16th October 2024 on the following grounds:

(i) The recognition with respect to the first unit of B.Ed., programme under aided stream being run by the Petitioner College was not withdrawn at any point of time. Hence, by way of the impugned minutes, deciding to issue continuation of recognition for one unit (50) students of B.Ed., programme with effect from academic year 2025-2026 is illegal, unsustainable and without any application of mind since the recognition is still in force.

(ii) As far as the first unit of B.Ed., programme under aided stream is concerned, it is duly enjoying recognition as well as affiliation and as many as 47 students out of the permitted 50 students for the first unit were admitted through counselling for the academic year 2024-2025 and the classes had commenced from 28.10.2024.



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(iii) Citing a list of five staffs who are claimed to be unqualified, handling the B.Ed., second unit, giving continuation of recognition for the B.Ed., first unit which is an aided programme as well as M.Ed., programme from the academic year 2025-2026 is unwarranted and *per se* illegal.

(iv) All those five staffs as cited by the impugned 62nd agenda of the 444th meeting of the second respondent are duly qualified and their qualification has also been approved by the affiliating body, vide proceeding No.TNTEU / R / QA / B.Ed., / CC11218 / 2017 - 18 / 790 dated 12.04.2017 itself.

(v) As far as the conduct of M.Ed., programme is concerned, the petitioner college had fulfilled all the requirements way back on 03.07.2023 and hence holding the proposal back without passing any orders and giving recognition for M.Ed., from the academic year 2025-2026 is unjust and would deprive the students with right to education.

(vi) As on the date of impugned minutes dated 15.10.2024 in the State of Tamilnadu, the dates scheduled for admission of M.Ed., programme was not even announced **for the academic year 2025-2026 and the admission**



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for M.Ed., programme commenced for the academic year 2024-2025

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only from 21.11.2024 to 06.12.2024.

(vii) The impugned minutes is passed in violation to Section 14(4) of the NCTE Act, 1993, which clearly states that every order granting or refusing recognition to an institution for a course or training in teacher education under sub Section 3 shall be published in the official gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the state government and the central government.

(viii) Following the mandates of the Honourable Supreme Court in ***Maa Vaishno Devi Mahila Mahavidyalaya (2013) case and the case of Devendra Pathak Sarvodaya College of Education reported in (2021)17 SCC 673, (para 30)***, the learned counsel for the petitioner categorically insisted that the cutoff date fixed by the Honourable Apex Court in ***Maa Vaishno Devi Mahila Mahavidyalaya case*** could be extended in the facts and circumstances of each and every case and as such the impugned order is bad in view of the aforesaid judgments of the Honourable Apex Court and sought for setting aside the impugned minutes.



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(ix) The delay in passing the impugned minutes could be attributed fully on the respondents 1 and 2 and hence the petitioner institution cannot be penalized for the delay on the part of the respondents 1 and 2.

23.The impugned minutes on the 62nd agenda of the 444th meeting of the second respondent held on 15-16th October 2024 with respect to file No. AOSO-0442 pertaining to B.Ed. (AI) of the petitioner college and file No.APSO-6134 pertaining to M.Ed., programme of the petitioner college is challenged in this writ petition. Among the staff members provided by the petitioner college to the second respondent in the staff member list, five members, namely, Ms. M. Rethi, Mrs. D. Thilagavathi, Mrs. L. Brigit, Mrs. M. Meenakshi and Mrs. A. Arogya Gracy do not fulfill the eligibility requirements as laid down by NCTE (regulations norms and procedure) regulations, 2004 and on that basis the second respondent committee had resolved to issue continuation of recognition for 1 unit (50) students of B.Ed., programme and 1 unit (50) students for M.Ed., programme with effect from the academic year 2025-2026. The impugned minutes emanated from a chain of facts and events pursuant to the order passed by the second respondent withdrawing recognition to the B.Ed., (additional intake)



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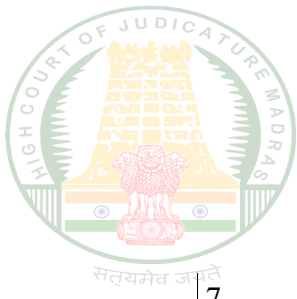
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streamline programme of the petitioner college and M.Ed., programme of the petitioner college on 27.12.2021.

24.The dates and events from the aforesaid withdrawal dated 27.12.2021 till the date of the impugned minutes are as follows:

444th Meet of R-2 / File No.AOSO0442 B.Ed., (Additional intake) File No.AOSO6134 M.Ed.,

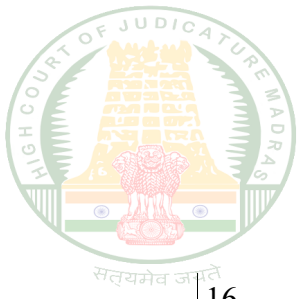
S.No.	Dates	Events
1.	27.12.2021	Impugned order of 2 nd respondent in F.SRO / NCTE / APS 08882 / B.Ed., - AI / (TN) / 2021 / 29599 and F.SRO / NCTE / APS 06134 / M.Ed., / (TN) / 2021 / 29598
2.	15.03.2022 (B.Ed.,) 16.03.2022 (M.Ed.,)	Appeal u/s 18 of NCTE Act by the petitioner
3.	11.06.2022	Petitioner appeared online before the 1 st respondent to present the case.
4.	12.07.2022	Impugned order of the 1 st respondent rejecting the appeal
5.	02.11.2022	W.P.(C) 15153 & 15155 o/ 2022 & C.M.APPL.46863 & 46871 /2022 before the Delhi High Court challenging the orders dated 27.12.2021 & 15.03.2022 filed by the petitioner. Interim order to admit students for B.Ed., (AI) programme & M.Ed., Programme for the academic session 2022-23 permitted.
6.	09.11.2022	2 nd respondent permitted the petitioner institution to participate in counselling for the academic session 2022-23



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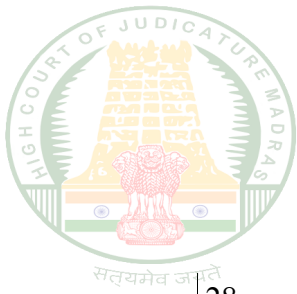
7.		Students admitted during 2022-23 were permitted to write exams & results published in 2023
8.		Admitted 4 students in B.Ed., (AI) & 44 students in M.Ed., for the academic year 2023-2024
9.	23.02.2024	Filed W.P.(MD)No. 4316/2024 seeking to direct the 4 th respondent University to upload the students admitted for the academic year 2023-24 & the same was dismissed.
10.	28.02.2024	Withdrew W.P.(C). 15153 & 15155 /2022 before Delhi High Court & the same were dismissed as withdrawn.
11.	04.03.2024	The petitioner filed W.P.(MD)Nos.5091 & 5092 / 2024 before this Court challenging order of the 1 st respondent dated 27.12.2021 & the order of the 2 nd respondent dated 12.07.2022
12.	04.03.2024	W.P.(MD)No.5091/2024 seeking to restore the recognition for M.Ed.,programme w.e.f., 2022-23 academic session dismissed
13.	04.03.2024	W.P.(MD)No.5092/2024 seeking to restore recognition for B.Ed., programme w.e.f., 2022-2023 academic session allowed – Liberty given to the 2 nd respondent to verify the correctness of the particulars furnished by the petitioner
14.	06.03.2024	Details 4 students admitted in B.Ed., (AI) for 2023-24 were uploaded in the website of the 4 th respondent university & permitted to write exams
15.	22.03.2024	434 th meeting of the 2 nd respondent – complied the order of this Court in W.P. (MD)No.5092/2024 and required the petitioner to submit 13 documents



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16.	23.03.2024	The petitioner submitted reminder to restore B.Ed., (2 nd basic unit) from the academic year 2022-2023 onwards with necessary documents.
17.	03.04.2024	Reminder delivered in the 2 nd respondent's office as per track consignment filed by the petitioner
18.	01.04.2024	The petitioner submitted documents required by the 2 nd respondent
19.	08.04.2024	Documents delivered in the 2 nd respondent's office as per the track consignment filed by the petitioner.
20.	10.04.2024	Show Cause Notice U/s 17 Act, 1993, issued by the 2 nd respondent
21.	18.04.2024	Reply to the show cause by the petitioner
22.	23.04.2024	Reply delivered in the 2 nd respondent's office as per the track consignment filed by the petitioner
23.	10.06.2024	The petitioner filed W.P.(MD)No.12061/2024 seeking to direct the respondents 1 and 2 to restore M.Ed., programme for the academic year 2023-2024
24.	28.06.2024	The petitioner filed W.P.(MD)No.12622/2024 to direct R-1 & R-2 to restore B.Ed., programme from 2022-2023 onwards
25.	04.08.2024	441 st meeting of the 2 nd respondent – called for further documents from the petitioner including the staff list.
26.	16.08.2024	Reply for 441 st meeting given by the petitioner
27.	30.08.2024	1 st respondent issued a show cause notice again based on the 441 st meeting of the 2 nd respondent



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28.	05.09.2024	442 nd meeting of the 2 nd respondent called for documents including consolidated latest staff list approved by the 4 th respondent University
29.	11.09.2024	The petitioner replied with the documents
30.	13.09.2024	Interim order passed by this Court in Cont P(MD)No.1702/2024 directing to permit the college representatives to appear for the meeting in person
31.	19.09.2024	443 rd meeting of the 2 nd respondent in which the representatives of the college made their appearance 1. Sr.D.Marthal (Secretary) 2. C.Meenakshi (Professor) Required to produce three documents including consolidated and updated faculty list duly approved by the respondent.
32.	26.09.2024	The petitioner wrote to Registrar, TNTEU (RA) for consolidated & revised staff approval order
33.	27.09.2024	College received a consolidated & revised approved staff list from the 4 th respondent
34.	01.10.2024	College furnished a consolidated & revised staff approval order
35.	15 th & 16 th October 2024	444 th Impugned minutes of the 2 nd respondent

25.A careful perusal of the tabulation supra would reveal that on withdrawal of the permission for B.Ed., (additional intake) programme and M.Ed., programme of the petitioner college on 27.12.2021, an appeal under



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Section 18 of the NCTE act, 1993, was preferred by the petitioner in both the cases on 15.03.2022 and 16.03.2022 with respect to the withdrawal of B.Ed., (additional intake) course and M.Ed., course respectively. The appeal was duly taken up to file by the first respondent and the petitioner appeared online before the first respondent to present his case on 11.06.2022 and further both appeals came to be rejected by order dated 12.07.2022 by the first respondent. The operative portion of the order passed by the first respondent in the appeal filed by the petitioner college by order dated 12.07.2022 made it clear that the appellant institution was still deficient on the grounds of rejection made by the second respondent. Only on that basis the appeal committee concluded that the second respondent was justified in withdrawing recognition and the appeal deserved to be rejected.

26.A careful perusal of the withdrawal orders dated 27.12.2021 would reveal that the list of faculty submitted by the institution was sufficient only for one unit of B.Ed., programme and that the institution failed to submit faculty list for the second unit of B.Ed., (additional intake) and M.Ed., programme as per NCTE Regulations, 2014, and the other two reasons are of course trivial in nature which could be duly rectified by the petitioner institution. The petitioner without proceeding to rectify the deficiencies



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pointed out in the withdrawal order as confirmed by the appeal order proceeded to challenge the same before the Honourable Delhi High Court in WP(C) 15153 and 15155 of 2022. By the strength of the interim order passed by the Honourable Delhi High Court on 02.11.2022, the second respondent permitted the petitioner institution to participate in counselling for the academic session 2022-2023 by proceedings dated 09.11.2022. Only on the strength of the aforesaid interim order passed by the Honourable Delhi High Court students were admitted during 2022-2023 and were permitted to write exams and results were also published in 2023.

27. Even thereafter without proceeding to rectify the deficiencies pointed out by the second respondent in the withdrawal order and as confirmed by the appellate authority first respondent in the appeal order, the petitioner institution admitted four students in the B.Ed., (additional intake) scheme and 44 students in the M.Ed., scheme for the academic year 2023-2024. Thereafter proceeded to file a writ petition in W.P.(MD)No.4316 of 2024 on 23.02.2024 seeking to direct the fourth respondent university to upload the students admitted for the academic year 2023-2024 without permission. Ultimately the said writ petition was dismissed on the grounds of forum shopping pointing out the pendency of the writ petitions before the

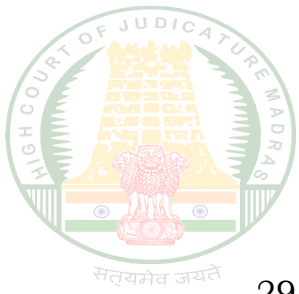


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Honourable Delhi High Court. Pursuant to the same on 28.02.2024 the writ petitioner preferred to withdraw the writ petitions in WP(C) 15153 and 15155 of 2024 before the Delhi High Court and the same were dismissed as withdrawn without giving liberty to the petitioner to file a similar case for the same cause of action in another Court, more particularly before this Court.

28.It is needless to state that on being dismissed as withdrawn, the interim orders passed by the Honourable Delhi High Court on 02.11.2022 in WP(C) 15153 and 15155 of 2022 in CMAPPL.46863 and 46871 of 2022 would also go. Hence it is needless to state that the four students admitted in the B.Ed., (additional intake) scheme and 44 students admitted in the M.Ed., scheme for the academic year 2023-2024 is without proper permission from the competent authorities for the aforesaid academic year. Further challenging the withdrawal orders dated 27.12.2021 and appeal passed by the second respondent and the appeal orders dated 12.07.2022 passed by the first respondent, fresh writ petitions were filed before this Court in W.P.(MD)No.5091 of 2024 as far as M.Ed., scheme is concerned and 5092 of 2024 as far as B.Ed., (additional intake) scheme is concerned.



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29.This Court was pleased to dismiss the case with respect to M.Ed., scheme in W.P.(MD)No.5091 of 2024 on 04.03.2024. Thus it has become clear that the 44 students who are admitted for the academic year in the M.Ed., scheme 2023-2024 are without permission from the competent authority as confirmed by this Court in W.P.(MD)No.5091 of 2024, against which the petitioner institution did not prefer any appeal. It is not the case of the petitioner institution that they have further admitted students during the academic year 2024-2025 for the M.Ed., scheme. However, this Court was pleased to allow the writ petition in W.P.(MD)No.5092 of 2024 with respect to B.Ed., (additional intake) scheme by setting aside the impugned order, directing the 4th respondent to immediately open the web portal and permit to upload the list of four students who were admitted for the year 2023-2024 under the B.Ed., (additional intake) scheme and 50 students who were admitted under the B.Ed., regular aided scheme.

30.However, the second respondent was given liberty to verify the correctness of the particulars to be furnished by the petitioner. In compliance to the order passed by this Court in W.P.(MD)No.5092 of 2024 as far as B.Ed., programme (additional intake) is concerned, by order dated 04.03.2024, immediately the second respondent convened the 434th meeting



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on 22.03.2024. In the said meeting after perusing the various documents available with the second respondent pertaining to the petitioner institution, the second respondent required to submit 13 documents. On 23.03.2024, the petitioner institution submitted that already the documents as required by the second respondent has been submitted before the second respondent through registered post. Even then, on 10.04.2024, a show cause notice under Section 17 of the NCTE Act, 1993, was issued by the second respondent for not fulfilling the requirements as required under 434th meeting of the second respondent dated 22.03.2024.

31. On 18.04.2024 the petitioner institution replied to the said show cause. In the meanwhile the petitioner institution further filed W.P.(MD)Nos. 12622 and 12061 of 2024 seeking to direct the respondents 1 and 2 to restore the M.Ed., programme and B.Ed., (additional intake) programme from the academic years 2023-2024 and 2022-2023 onwards respectively. Both the writ petitions were disposed of directing the respondents to consider the petitioner's proposal. Following which, 441st meeting of the second respondent was called for on 04.08.2024 and the matter with respect to the petitioner institution was also taken up as the 7th agenda in the aforesaid meeting which was held on 04.08.2024. Despite the second



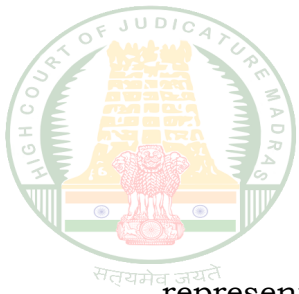
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respondent's continuous request to furnish the necessary documents even on 04.08.2024, the petitioner college was deficient for submission of seven documents including the latest staff list duly approved by the registrar of the affiliating body, that is, the fourth respondent university.

32.Following which on 16.08.2024, the petitioner complied with the documents sought for by the second respondent by submitting the same. Since the second respondent was not satisfied, by the documents furnished by the petitioner institution on 30.08.2024, the second respondent issued a show cause notice based on the 441st meeting of the second respondent. Thereafter on 05.09.2024 the 442nd meeting of the second respondent was convened and the petitioner institute's matter was taken as agenda 8 even in which it was pointed out that the institution has to further submit 8 more documents including the list of approved faculty as issued by the affiliating university, that is, the fourth respondent herein. On 11.09.2024 the requirements sought for in the 442nd meeting of the second respondent was complied with by the petitioner.

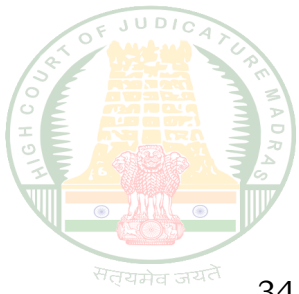
33.In the meanwhile on 13.09.2024, an interim order was passed by this Court in Cont P(MD)No.1702 of 2024 directing to permit the



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representatives of the petitioner college to appear for meeting conducted by the second respondent. In view of the same, in compliance to the aforesaid order on 19.09.2024, the 443rd meeting of the second respondent was convened and the representatives of the college, namely, sister D. Marthal (Secretary) and C. Meenakshi (Professor) were permitted to make their appearance before the second respondent while considering the matter pertaining to the college as agenda No.6 and they were also given an opportunity of hearing and the same was recorded in the minutes of the aforesaid meeting and even thereafter the second respondent committee resolved to grant a last opportunity for the institution to submit three more documents including the consolidated and updated faculty list duly approved by the competent authority. Only thereafter on 26.09.2024, the petitioner wrote to the Registrar of the 4th respondent university for a consolidated and revised staff approval order for the purpose of NCTE. Thereafter the college received the consolidated faculty list from the 4th respondent university on 27.09.2024 and the same was furnished to the 2nd respondent on 01.10.2024. Only thereafter, the 2nd respondent convened the 444th meeting on 15th and 16th October 2024 at New Delhi and the subject of the petitioner college was taken up as 62nd agenda and the impugned resolution of the minutes of the 444th meeting came to be resolved.



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34. In the impugned minutes as far as file No.APSO6134 pertaining to M.Ed., programme of the petitioner Institution is concerned, the committee decided to issue continuation of recognition order for one unit (50) students for M.Ed., programme with effect from the academic year 2025-2026 vide minutes of the 444th meeting of the second respondent held on 15th and 16th October 2024 at New Delhi. Following the minutes even before a final order being passed by the second respondent in this regard, the writ petitioner has filed this writ petition challenging the minutes pertaining to the file seeking recognition for M.Ed., scheme as elaborately discussed supra, pursuant to the withdrawal of recognition to the M.Ed., scheme by the order of the second respondent dated 27.12.2021 which was further confirmed by the first respondent by order dated 12.07.2022 withdrawing recognition granted to the petitioner Institution for conducting M.Ed., programme of 2 years duration with an annual intake of one basic unit (50) students with effect from the academic session, that is, 2022-2023 onwards. Thereafter only with the strength of the interim order passed by the Delhi High Court in CM APPL 46863 and 46871 of 2022 in WP(C) 15153 and 15155 of 2022 dated 02.11.2022, the second respondent permitted the petitioner Institution to participate in counselling for the academic session 2022-2023 and the students were also admitted, permitted to write examinations and

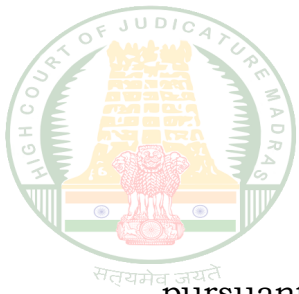


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results were also published. However, for the academic year 2023-2024, I have no hesitation to hold that the petitioner Institution was not provided with any recognition for admitting students under the M.Ed., scheme from the academic year 2023-2024.

35.A careful perusal of the tabular column supra would reveal that rather proceeding to comply with the defects pointed out by the second respondent in the withdrawal order and thereafter by the first respondent in the appeal order, the petitioner Institute has preferred to file a writ petition after writ petitions before the Delhi High Court and before the Madurai Bench of Madras High Court. Only after the final order passed by the Madurai Bench of Madras High Court in W.P.(MD)No.5092 of 2024 on 04.03.2024, the writ petitioner Institute actually took certain efforts to comply with the requirements / defects pointed out by the second respondent. Whenever the petitioner Institute provided with the documents as a resort to rectify the defects pointed out by the second respondent, now and then the second respondent had convened its committee meeting taking the subject of the petitioner College as one of the agenda and had further resolved to point out further defects which are expected to be rectified by the petitioner Institute and after conducting the 441st, 442nd, 443rd meeting



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pursuant to the order of this Court in W.P.(MD)No.5092 of 2024 dated 04.03.2024 on 04.08.2024, 29.09.2024 and 19.09.2024 the petitioner Institute came up to fully furnish with all the required documents as pointed out by the second respondent more particularly by furnishing the consolidated and revised staff approval list as sanctioned by the fourth respondent university. When the college finally furnished the same on 01.10.2024 immediately on 16.10.2024, the 444th meeting of the second respondent was convened and the impugned minutes came to be passed deciding to issue a continuation of recognition for M.Ed., programme with effect from the academic year 2025-2026 with respect to one unit (50) students.

36.The petitioner Institute has never claimed that they have admitted students for the M.Ed., scheme for the academic year 2024-2025. However, in paragraph 22 of the affidavit filed by the petitioner Institute, it has been pleaded that the petitioner College had admitted four students to B.Ed., (second basic unit) and 44 students for M.Ed., programme for the academic year 2023-2024 in the month of September 2023. However, by the strength of the order passed by this Court in W.P.(MD)No.5091 of 2024 dated 04.03.2024, I once again categorically observe that the aforesaid admissions



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are without due permission from the competent authorities. It is also clear that the fourth respondent university also did not permit the petitioner Institute to upload the details of the 44 students admitted for the M.Ed., programme for the academic year 2023-2024 and also they did not permit them to appear for examination during the said academic year.

37.Hence, I don't find any demerit on the part of the second respondent in resolving in his 444th meeting with respect to agenda 62 pertaining to the petitioner College deciding to issue a continuation of recognition order for one unit (50) students for M.Ed., programme with effect from the academic year 2025-2026 by the resolution of the meeting dated 15th and 16th of October 2024. Since the recognition for the conduct of one unit (50) students for M.Ed., programme was withdrawn with effect from the academic year 2022-2023, and which was not further recognized for the subsequent years till the resolution dated 15th and 16th October 2024 in the 444th meeting of the second respondent, I am of the considered view that the committee's decision to issue a continuation of recognition to one unit of M.Ed., programme with effect from the academic year 2025-2026 prospectively cannot be interfered with, for the reason that the second respondent cannot retrospectively resolve to decide to issue a continuation



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of recognition of one unit (50) students for M.Ed., programme with effect from the academic year 2023-2024, when the petitioner's writ petition in this regard in W.P.(MD)No.5091 of 2024 came to be dismissed by the order of this Court dated 04.03.2024, against which the petitioner Institute did not prefer any appeal.

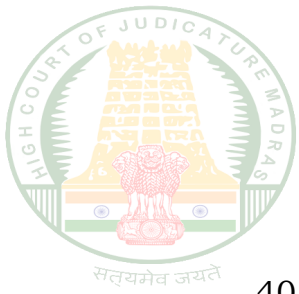
38.Since the admission of 44 students which was made by the petitioner Institute under the M.Ed., scheme during the academic year 2023-2024 itself has been held invalid by this Court in W.P.(MD)No.5091 of 2024 directing the second respondent to take a final call, it is needless to state that the petitioner Institute did not have any *locus standi* to make any admission for the academic year 2024-2025. Though it was argued by the learned counsel for the petitioner that the admission for M.Ed., programme for the academic year 2024-2025 was scheduled from 21.11.2024 to 06.12.2024, that is, after the date of the impugned minutes dated 15.10.2024, it is not the case of the petitioner Institute that they have admitted certain number of students for the academic year 2024-2025 as well, pending this writ petition.



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39.Hence, it is a considered opinion of this Court that it is not necessary to interfere with the impugned minutes as far as the file No.APSO6134 pertaining to M.Ed., programme deciding to issue continuation of recognition order for one unit (50) students for M.Ed., programme with effect from the academic year 2025-2026, as resolved by the second respondent in the 444th meeting held on 15-16th October 2024. As far as the impugned minutes pertaining to the 62nd agenda of the second respondent in file No.AOSO0442 pertaining to the B.Ed., (additional intake) scheme of the petitioner institution is concerned, the committee has decided to issue continuation of recognition order for one unit (50) students of B.Ed., programme with effect from the academic year 2025-2026. As rightly contended by the counsel for the petitioner, it is needless to state that the recognition order for the continuation of one unit (50) students for B.Ed., programme (aided) stream of the petitioner institution was always in force and the same was never ever withdrawn at any point of time from its commencement. The particular file No.AOSO0442 pertaining to B.Ed., (additional intake) (one unit) (self-financing stream) of the petitioner institution was the one which was under consideration.



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40. However, inadvertently, without considering the same, the committee has decided to issue continuation of recognition order for the already existing one unit of B.Ed., programme with effect from the academic year 2025-2026 and the same has to be necessarily interfered and that portion of minutes in agenda 62 pertaining to the B.Ed., programme is hereby set aside. The petitioner institute is entitled for continuation of recognition order for one unit (50) students of B.Ed., programme (aided stream) continuously without any hindrance or withdrawal. However, as far as the petitioner institution's proposal seeking recognition to the second unit of 50 students of B.Ed., programme under the self-financing scheme in the 444th meeting of the second respondent held on 15th and 16th October 2024, the second respondent had observed that the staff members list provided by the institution do not fulfill the mandatory eligibility requirements laid down by NCTE (regulations norms and procedure) regulations, 2014. The NCTE in exercise of its powers conferred under Section 32 of the NCTE Act, 1993, framed NCTE (recognition norms and procedures) regulations, 2014, which came into force with effect from 01.12.2014 in terms of the new NCTE regulations, during which the duration of both the B.Ed., and M.Ed., courses were increased from one year to two years.



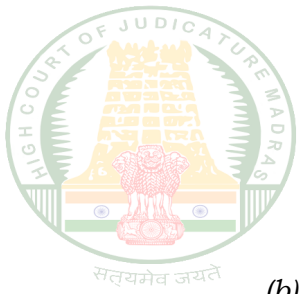
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41. In exercise of the powers conferred by sub Section 2 of Section 32 of the National Council for Teacher Education Act, 1993, the NCTE further amended the NCTE (recognition norms and procedure) regulations, 2014, namely, NCTE (recognition norms and procedure) (amendment) regulations, 2017, which came into force with effect from 29.05.2017. By the aforesaid amendment of regulations in the year 2017 appendix 4 and appendix 5 to the NCTE (recognition norms and procedure) regulation, 2014, came to be amended. Section 8 of the NCTE (recognition norms procedure) (amendment) regulation, 2017, amended appendix 4 in paragraph 5 in subparagraph 5.2 of the regulations, 2014. The same is extracted as follows:

“(a) after C (ii) and between “Desirable” the following Note shall be inserted namely:-

Note- “Besides fulfilling the above qualification the candidate shall have cleared the National Eligibility Test (NET) conducted by University Grants Commission. Provided candidates, who are, or have have been awarded Ph.D degree in Education in accordance with the University Grant Commission (Minimum Standard and Procedure for Award of Ph.D. Degree) Regulation 2009, shall be exempted from the requirement of the clearing of NET for appointment as Assistant Professor or equivalent position in Universities or college or institutions”,



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(b) after C (ii), the entry “Desirable: Ph.D. Degree in Education with subject specialisation” shall be omitted.”

42.Only on the basis of the said regulation / amendment, 2017, in the impugned minutes, the second respondent has held that five staff members among the staff members list provided by the institution do not fulfil the mandatory eligibility requirements as laid down by NCTE regulations, 2014. A careful perusal of the consolidated latest staff list, B.Ed., programme for NCTE purpose furnished by the Tamil Nadu teachers education university dated 27.09.2024 which was submitted by the petitioner institution before the second respondent would make it clear that Ms.Rethi is a librarian who is appointed under the aided stream of B.Ed., course, that is, with respect to the first unit for which the sanction is continuous and valid as on date. Hence, the mention of the name of Ms. Rethi who is a librarian under the aided stream of B.Ed., first unit of the petitioner institution is *per se* illegal. As far as the other appointed teaching faculties, namely, Mrs.D. Thilagavathi, Ms. L. Brigit, Ms. M. Meenakshi and Ms. A. Arogya Gracy are concerned, they are all serving as associate professors under the self-financing stream of the B.Ed., course of the petitioner institution. The fourth respondent university has provided information that their qualification has been approved by the fourth respondent university as early as in the year

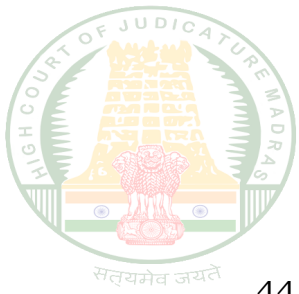


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2022 that was on 14.02.2022. But none of them have neither passed NET or qualified in PhD. It is needless to state that the fourth respondent university has approved the qualification without considering the NCTE (recognition norms and procedure) (amendment) regulations, 2017.

43.In the absence of necessary qualification as per the NCTE regulations with respect to Mrs.D. Thilagavathi, Ms. L. Brigit, Ms. M. Meenakshi and Ms. A. Arogya Gracy, the second respondent cannot be found fault at for having decided to refrain from issuing recognition order for B.Ed., (additional intake) in the file No.AOSO0442 pertaining to the petitioner institute with effect from the academic year 2024-2025. However, it is made clear that the continuation of recognition for conduct of one basic unit of B.Ed., programme aided stream by the petitioner college cannot be interfered with and the same is in order. As far as the recognition for the B.Ed., (additional intake) which is sought for by the petitioner the petitioner is at liberty to rectify the defects pointed out by the second respondent and make a fresh proposal on the basis of which the second respondent SRC shall take a final call.



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44.It is pertinent to mention that this court while setting aside the impugned order of 2nd respondent dated 27.12.2021 did not consider if the faculty members are duly qualified in terms of regulations, 2014, but only considered the total number of faculty members, thereby giving way to the petitioner institute to admit 4 students in B.Ed., self financing stream (additional intake) for the academic year 2023-24, this aspect was not brought to the notice of the learned single judge. But in this case, the learned standing counsel for the 1st respondent produced the amendment regulations, 2017, in which either P.hd or a pass in NET has been made mandatory for teaching faculty. The 4th respondent is directed to cancel the qualification recognition granted to the teaching faculty pointed out in the impugned 444th meeting's decision in 62nd agenda of the second respondent pertaining to the B.Ed (AI). Though earlier the second respondent had duly recognized intake of 50 students for one basic unit of M.Ed., course with annual intake of 50 students from the academic session 2015-2016, the same was withdrawn only with effect from the academic year 2022-2023 by the impugned order dated 27.12.2021. That was obviously due to the amendment in the NCTE regulation in the year 2017. Hence, the portion of the impugned meetings pertaining to the admission of the M.Ed.,



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programme with effect from the academic year 2025-2026 need not be interfered with.

45. Accordingly the writ petition is partly allowed. No costs.
Consequently, connected miscellaneous petitions are closed.

24.02.2025

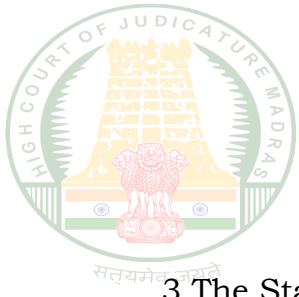
NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

Note: Issue order copy on 25.02.2025.

To

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

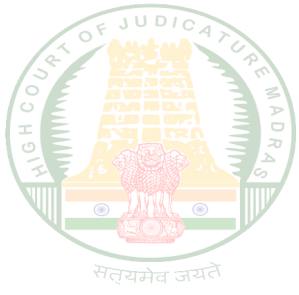
2. The Regional Director,
Southern Regional Committee (SRC),
National Council for Teacher Education,
G-&, Sector-10 (Near Sector-10 Metro Station)
Dwarka, New Delhi-110 075.



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

4.Tamilnadu Teacher Education University,
Rep. by its Registrar,
Gangaiamman Koil Street,
Karapakkam, Chennai-600 005.



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L.VICTORIA GOWRI, J.

Sml

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24.02.2025