

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.4.2012

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.5824 of 2012

Sri Venkateshwara Teacher Training Institute  
Indira Gandhi Street  
Chittoor Road  
K.G.Kandigai,  
Thiruttani Taluk,  
Thiruvallur District 631 205  
Represented by its Correspondent  
Thiru K.Sathyanarayana Raju ... petitioner

Vs.

1. The National Council for Teacher Education  
rep. By its Regional Director  
Southern Regional Council  
1<sup>st</sup> Floor, CSD Building  
HMT Post, Bangalore - 560 003
2. The Director of Teacher Education  
Research and Training  
College Road, Chennai-600 006 ... Respondents

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records comprised in F.SRO/NCTE/2010-2011/28241, dated 18.4.2011, of the first respondent and quash the same and further direct the first respondent to grant recognition to Sri Venkateshwara Teacher Training Institute, SVG Puram village, Vanganur post, Pallipet Taluk, Thiruvallur District, Tamil Nadu 631 304 for the Diploma in Teacher Education course from the academic year 2012-2013.

For petitioner : Mrs.Dakshayani Reddy  
For respondents : Mr.K.Ramakrishna Reddy

## O R D E R

Heard the learned counsel appearing for both sides.

2. It has been stated that the petitioner Institution had been established by Sathya Sayee Educational Trust, which is a registered trust, established on 8.3.2012. The object of the trust is to impart education to the Telugu Linguistic Minorities, in the state of Tamil Nadu. As such, the said trust had established a Teacher Training Institute in the name and style of Sri Venkateshwara Teacher Training Institute, as a Telugu Linguistic Minority Institution, for imparting diploma in teacher education. Therefore, the trust had applied to the first respondent, for the grant of recognition, vide application, dated 2.1.2006, to establish and impart education, by conducting the Diploma in Teacher Education course.

3. It had been further stated that on being satisfied with all the conditions necessary for the establishment of the Teacher Training Institute, the first respondent had granted recognition, vide its order, dated 17.11.2006, with an annual intake of 50 students. A specific condition had been imposed, while granting the order of recognition, stating that the institution should be shifted to its own premises within a period of 3 years from the date of such recognition. Thereafter, the petitioner institute had obtained the necessary approval of staff, from the second respondent and had admitted students for the Diploma in Teacher Education course. As per the condition imposed in the order of recognition, the petitioner institute had applied to the first respondent, for shifting the institution to its own premises, situated at SVG Puram village, Vanganur Post, Pallipet Taluk, Thiruvallur District. Along with the said application, the petitioner institute had enclosed the sale deeds relating to 5 acres and 32 cents of land, for locating the petitioner institute.

4. It had been further stated that the petitioner institute had also submitted a questionnaire, building approval plan, land usage certificate, encumbrance certificate and two fixed deposits, for a sum of Rs.5,00,000/- and 3,00,000/-, respectively, and the other necessary documents, as specified in the regulations of the first respondent. While so, the first respondent, vide its letter, dated 8.11.2010, had intimated the petitioner that the new premises would be inspected by an inspection committee, for the purpose of Section 17 of the National Council of Teacher Education Act, 1993. The inspection had been done between 15.11.2010 to 19.11.2010. However, a show cause notice, dated 2.2.2011, had been received from the first respondent, pointing out the various deficiencies in the new premises to which the petitioner teacher training institute was to be shifted. At this juncture, the

petitioner had submitted its reply, dated 23.2.2011, stating that the alleged deficiencies had already been complied with even, at the time of submission of the application, for shifting of the petitioner institute. With regard to the other deficiencies, the petitioner institute had already submitted the building plan certificate, land usage certificate and the encumbrance certificate issued by the competent authorities for the consideration of the first respondent. However, the first respondent, without considering the fact that the deficiencies had already been fulfilled and without giving an opportunity of being heard, by way of a personal hearing, issued an order, dated 18.4.2011, withdrawing the recognition granted to the petitioner institute, from the academic year 2012-2013, in order to enable the students, who had already joined the course to complete the same.

5. The learned counsel appearing for the petitioner had submitted that the impugned order of the first respondent, dated 18.4.2011, had been passed in violation of the principles of natural justice, as no opportunity of personal hearing had been granted to the petitioner institute, before the impugned order had been passed.

6. She had further submitted that the impugned order is against the provisions of the National Council of Teacher Education Act, 1993. Section 17 of the said Act states that a reasonable opportunity of making a representation ought to have been granted, before an adverse order is passed.

7. The learned counsel appearing for the petitioner had further submitted that the impugned order had been passed without proper application of mind, as it is a non-speaking order. The said order does not disclose the reasons for the rejection of the reply of the petitioner, to the show cause notice issued to the petitioner institute, on 2.2.2011. The impugned order is a cryptic order and it does not contain the details, based on which such order has been passed. When all the necessary conditions had been fulfilled, it would not be open to the petitioner to pass the impugned order, withdrawing the recognition granted in favour of the petitioner institute.

8. It had also been pointed out that there are no other complaints against the petitioner, except the deficiencies pointed out in the impugned order of the first respondent, dated 18.4.2011, which had already been complied with by the petitioner institute.

9. The learned counsel for the petitioner had also submitted that a sum of Rs.40,000/- had been remitted in favour of the Member Secretary, the National Council for Teacher Education,



Bangalore, vide letter, dated 23.8.2010, for getting the necessary permission to shift the petitioner institute to the newly constructed building. An inspection had also been carried out, on 19.11.2010. Thereafter, a show cause notice had been issued to the petitioner, under Section 17 of the National Council of Teacher Education Act, 1993. However, no opportunity of hearing had been granted to the petitioner, before the impugned order had been passed.

10. The learned counsel appearing for the petitioner had relied on the decision of this Court, in W.P.No.16535 of 2011, dated 27.7.2011.

11. Per contra, the learned counsel appearing for the respondents had submitted that the recognition granted in favour of the petitioner institute, on 17.11.2006, was conditional in nature. The petitioner institute ought to have been shifted to its own premises, within three years from the date of the granting of such recognition, i.e., on or before 14.11.2009. Since, the petitioner institute had failed to shift its own premises, within the specified period, the Southern Regional Committee of the National Council for Teacher Education, in its 199<sup>th</sup> meeting, held on 22-23rd December, 2010, had considered the inspection report and all the relevant documentary evidence available and it had decided to serve a show cause notice on the petitioner institute, under Section 17 of the National Council of Teacher Education Act, 1993. Not being satisfied with the reply submitted by the petitioner institute, the committee had decided to withdraw the recognition granted to the petitioner institute, for conducting diploma in teacher education course, from the academic year, 2012-2013. The petitioner institute had also been debarred from making any further admission of students, subsequent to the date of the issuance of the impugned order, dated 18.4.2011.

12. The learned counsel appearing for the respondents had further submitted that Section 18 of the National Council of Teacher Education Act, 1993, provides an alternative remedy to the petitioner institute, to agitate the matter, challenging the impugned order of the first respondent, dated 18.4.2011 and therefore, the present writ petition filed by the petitioner institute, under Article 226 of the Constitution of India, is not maintainable. Even otherwise, the date of the application of the petitioner, for the shifting of the institute, to the new premises, is dated 23.8.2010, while the condition prescribed while granting the order of recognition was that the petitioner institute should shift its own premises, on or before 14.11.2009. Therefore, the conditional recognition granted in favour of the petitioner institute had been rightly withdrawn, by the impugned order of the first respondent, dated 18.4.2011.

13. The learned counsel appearing for the respondents had relied on the decision of this Court, in W.A.No.664 of 2011, dated 25.4.2011, in support of his contentions.

14. In view of the submissions made by the learned counsels appearing for the petitioner, as well as the respondents, and on a perusal of the records available, and in view of the decisions cited supra, it is noted that no opportunity of personal hearing had been given to the petitioner institute, before the impugned order of the first respondent, dated 18.4.2011, had been passed by the first respondent, as contemplated under Section 17 of the National Council of Teacher Education Act, 1993. Even though the petitioner institute had submitted a number of documents, along with its reply, dated 23.2.2011, the first respondent had passed the impugned order, withdrawing the recognition granted in favour of the petitioner institute, from the academic year, 2012-2013.

15. It is not in dispute that the request has been made on behalf of the petitioner institute, to the first respondent, along with the necessary fee, for conducting an inspection of the new premises, for the shifting of the petitioner institute. The Southern Regional Committee had considered the matter in its 196<sup>th</sup> meeting, held on 15<sup>th</sup> -16<sup>th</sup> September, 2010, and had decided to cause an inspection of the premises in question, for the shifting of the petitioner institute, on payment of a sum of Rs.40,000/-, as inspection fee. Accordingly, a letter had been issued to the petitioner institute to remit a sum of Rs.40,000/-, as inspection fee, on 26.10.2010. Thereafter, an inspection had been carried out, on 19.11.2010. As such, it is clear that the conditional order of recognition, passed in favour of the petitioner institute, on 17.11.2006, had not been withdrawn, immediately, on the expiry of the period of three years granted for the shifting of the petitioner institute, to its own premises. Therefore, it is clear that the conditional recognition, granted in favour of the petitioner institute, does not expire automatically, on the non-compliance of the condition imposed at the time of the passing of the conditional order of recognition.

16. It is also noted that the condition imposed on the petitioner institute, while granting the order of recognition, is not a mandatory condition prescribed in the Act. Even though the said condition may form a part of the National Council of Teacher Education Regulations, it may not be appropriate for the first respondent to withdraw the recognition granted in favour of the petitioner institute, without complying with the provisions of Section 17 of the said Act, by granting an opportunity of personal hearing to the petitioner institute. In such circumstances, this Court finds it appropriate to set aside the impugned order of the first respondent, dated 18.4.2011, and to remit the matter back to the first respondent, to consider the explanation submitted by the

petitioner, to the show cause notice, dated 2.2.2011, and to pass appropriate orders thereon, on merits and in accordance with law, after giving an opportunity of personal hearing to the authorised representative of the petitioner institute. The said process shall be completed by the first respondent, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the writ petition stands ordered. No costs. Connected M.P.No.1 of 2012 is closed.

Sd  
Assistant Registrar

/true Copy/

Sub Assistant Registrar

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To:

1. The Regional Director  
Southern Regional Council  
The National Council for Teacher Education  
1<sup>st</sup> Floor, CSD Building  
HMT Post, Bangalore - 560 003
2. The Director of Teacher Education  
Research and Training  
College Road, Chennai-600 006

+2 CC's to M/S.K.Ramakrishna Reddy, Advocate SR.29034  
+1 CC to M/S.G.Sankaran, Advocate SR.29231

CO-SAI  
ths : 11.05.2012

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Pre-delivery order in  
Writ Petition No.5824 of 2012

27.4.2012