

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA,
1942

WP(C).No.22477 OF 2020(H)

PETITIONER:

KANNUR SALAFI B.ED COLLEGE,
P.O. KODALI, KANNUR DISTRICT-670592,
REPRESENTED BY ITS CORRESPONDENT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS:

- 1 NATIONAL COUNCIL FOR TEACHER EDUCATION,
SOUTHERN REGIONAL COMMITTEE, OFFICE G-7,
SECTOR-10 (NEAR SECTOR-10 METRO STATION), NEW
DELHI-110075, REPRESENTED BY ITS REGIONAL
DIRECTOR.
- 2 STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO
GOVERNMENT, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-
695001.
- 3 KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, THAVAKKARA,
CIVIL STATION P.O., KANNUR-670002.

R1 BY DR.ABRAHAM P.MEACHINKARA,SC,NCTE

R3 BY ADV. SRI.M.SASINDRAN

R2 BY SRI SUNIL NATH N.B. - GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 30.11.2020, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner, which is a self financing training college conducting B.Ed Course with the recognition granted by the 1st respondent National Council for Teacher Education (for brevity, 'the NCTE') and affiliation granted by the 3rd respondent University, has filed this writ petition under Article 226 of the Constitution of India, seeking a writ of certiorari to quash Ext.P8 minutes of the 388th meeting of the Southern Regional Committee of the NCTE insofar as it relates to the petitioner College and also Ext.P11 withdrawal order dated 16.10.2020 issued by the 1st respondent. The petitioner has also sought for a direction to the 1st respondent to afford an opportunity of hearing on the deficiencies and omissions noted in Ext.P8 minutes and to take a fresh decision in accordance with law; a declaration that, in view of the recognition already granted to conduct B.Ed programme with an intake of 50 students as per Ext.P4 order dated 12.09.2017, the petitioner college is entitled to admit students for B.Ed course for the academic year 2020-21 and the action of the 1st respondent in having

decided to withdraw recognition with effect from the academic year 2020-21 is illegal and arbitrary and ab initio void in view of the statutory mandate in second proviso to sub-section (1) of Section 17 of the NCTE Act.

2. On 21.10.2020, when this writ petition came up for admission, the learned Standing Counsel for the 1st respondent sought time to get instructions.

3. A statement has been filed by the 1st respondent, opposing the reliefs sought for in this writ petition.

4. During the pendency of this writ petition, the petitioner filed I.A.No.1 of 2020 seeking an order to amend the writ petition, which was allowed by the order of this Court dated 02.11.2020.

5. On 05.11.2020, when the writ petition came up for consideration, the learned Standing Counsel for NCTE, after referring to Ext.P11 order dated 16.10.2020, pointed out that the said order will take effect only from the next academic session, i.e., 2020-21 and that, a statement to that effect shall be placed on record on 09.11.2020.

6. On 26.11.2020, the learned Standing Counsel for

NCTE pointed out that Ext.P12 faculty list produced along with the writ petition is not one approved by the 3rd respondent University. The learned Standing Counsel for the 3rd respondent sought time to get instructions.

7. Heard the learned counsel for the petitioner, the learned Standing Counsel for the 1st respondent, the learned Government Pleader appearing for the 2nd respondent and also the learned Standing Counsel for the 3rd respondent University.

8. The learned counsel for the petitioner has filed a memo to withdraw this writ petition, with liberty to file appeal against Ext.P11 order. The learned counsel for the petitioner would submit that since the petitioner wants to invoke the statutory remedy against Ext.P11 order, by filing an appeal under Section 18 of the NCTE Act, this writ petition may be dismissed as withdrawn.

Recording the above submission made by the learned counsel for the petitioner and also the memo to that effect filed today as bench mark, this writ petition is dismissed as withdrawn, without prejudice to the right of the petitioner to

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challenge Ext.P11 order by filing an appeal invoking the statutory remedy under Section 18 of the NCTE Act.

Sd/-

ANIL K.NARENDRAN, JUDGE

AV/30/11