



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.05.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.10568 of 2022

Yadhavar Kalvi Nidhi,
A Registered Society,
Running Yadhava College &
Yadhava College of Education
Govindarajan Campus,
Thiruppalai,
Madurai,
Madurai District,
Rep. by High Court appointed Administrator ... Petitioner

Vs.

1.The National Council for Teacher's Education,
G-7, Sector - 10, Dwarka,
Near Metro Station,
New Delhi - 110 075.

2.Southern Regional Committee (NCTE),
G-7, Sector - 10, Dwarka,
Near Metro Station,
New Delhi - 110 075.

3.Tamil Nadu Teachers Education University,
Gangaiamman Koil Street,
Karapakkam,
Chennai - 600 097.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 25.02.2022 for granting temporary recognition to the petitioner's B.Ed. Course with conditions.



For Petitioner : Mr.S.Sivasubramanian
for M/s.K.Rajasekaran

For Respondents 1 & 2 : Mr.Su.Srinivasan,
Standing Counsel for NCTE

For Respondent No.3 : Mr.F.Deepak

ORDER

The prayer sought for in this writ petition is for a writ of mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 25.02.2022 for granting temporary recognition to the petitioner's B.Ed. Course with conditions.

2. The petitioner Society runs a college called Yadhava College at Madurai. The said college, after getting recognition from the respondent National Council for Teacher's Education, that is, NCTE through its Southern Regional Committee (SRC), had been running the institution called Yadhava College of Education at Madurai.

3. When that being so, for certain alleged defects, the order of recognition was withdrawn by the NCTE, by order, dated 02.07.2021 as against which the petitioner preferred an appeal, that is, statutory appeal to the NCTE, New Delhi, who, on consideration of the appeal, has passed an order on 22.10.2021 and has remitted the matter back to the SRC-NCTE for necessary action and in the meanwhile, the order of withdrawal of recognition dated 02.07.2021 was kept in abeyance till the outcome of the revisiting of the matter by the Southern Regional Committee.

4. Subsequently, the NCTE-SRC issued a final show cause notice under Section 17 of the NCTE Act on 30.11.2021.

5. Though the order of withdrawal has been kept in abeyance by virtue of the remand order made by the appellate authority-NCTE, so far the SRC has not taken up the matter and decided the same.

6. In the meanwhile, in the final show cause notice, dated 30.11.2021, the NCTE-SRC had pointed six defects to be complied with by the petitioner. Out of the six defects, five defects have been already complied with by the petitioner.

7. Insofar as the defect No.5 is concerned, the consolidated staff list duly appointed, who are in possession of the institution, must be approved by the affiliating body and that should be



forwarded to the NCTE-SRC.

8. In this context, the administrator of the petitioner institution, who is none other than a former Judge of this Court, who has been appointed so by the orders of this Court, had taken steps to recruit new teachers/professors for which applications were invited by giving paper advertisements, however, knowing the fate of the institution that as on date recognition since has been withdrawn, consequent upon the same, the affiliated University had also withdrawn their affiliation, good prosperous candidates for appointment had not come. Therefore, unless and until the issue is decided by the NCTE-SRC, except the clause-5 defect, at an early date, with regard to the eligibility of the petitioner for getting recognition or restoration of the recognition, it may not be possible for the present administration, that is, the administrator, to go ahead with the running of the institution by making the fresh appointment of the teachers. Therefore, in this context, the administrator has sent a detailed request-cum-representaion to the NCTE-SRC on 25.02.2022.

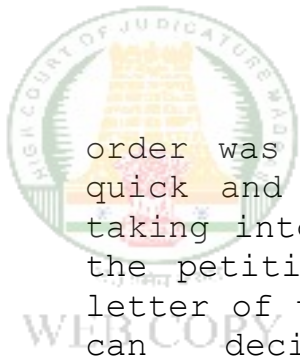
9. Since the said representaion also so far has not been considered, the pettioner has approached this Court by filing the present writ petition with the aforesaid prayer.

10. Heard Mr.S.Sivasubramanian for Mr.K.Rajasekaran, learned counsel appearing for the petitioner, who, having reiterated the aforestated, would seek indulgence of this Court.

11. Heard Mr.Su.Srinivasan, learned Standing Counsel for NCTE, who would submit that, if this is a peculiar situation faced by the petitioner institution, which itself appears to be charitable in nature, where it is being administrated by a former Judge of this Court being appointed as administrator by the orders of this Court, therefore, the said plea made by the petitioner and the request made by the petitioner to decide the issue with regard to the request of the recognition, which has already been withdrawn or to reissue the recognition to the petitioner, would be placed before the SRC of the NCTE immediately and a decision would be taken at the earliest.

12. I have considered the said submissions made by the learned counsel appearing for both sides and have perused the materials placed before this Court.

13. In view of the aforestated facts and circumstances, since the institution already enjoyed the recognition for several years and for want of rectifying certain defects, it was withdrawn and the matter was remitted by the NCTE and till such time, the withdrawal



order was directed to be kept in abeyance, the NCTE-SRC can take quick and swift action in deciding and concluding the issue by taking into account the compliance or appraisal report submitted by the petitioner in this regard, except Query No.5 pursuant to the letter of the NCTE-SRC, dated 30.11.2021. And accordingly, NCTE(SRC) can decide the issue with regard to the restoration of the recognition of the petitioner institution at the earliest, preferably, within a period of four weeks time from the date of receipt of a copy of this order.

14. It is needless to mention that once the NCTE-SRC passes an order in favour of the petitioner, the third respondent University being an affiliating University may immediately act upon on the application to be submitted in this regard, along with the copy of the order to be passed by the NCTE-SRC and pass necessary orders for restoring the affiliation as the earlier affiliation was withdrawn by the University only on the ground that the recognition was withdrawn by the NCTE.

15. With these directions, this writ petition is disposed of. No Costs.

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

28/05/2022

Sub Assistant Registrar(CS)

SJI/PJL

To

1. The National Council for Teacher's Education,
G-7, Sector - 10, Dwarka,
Near Metro Station,
New Delhi - 110 075.
2. Southern Regional Committee (NCTE),
G-7, Sector - 10, Dwarka,
Near Metro Station,
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3.Tamil Nadu Teachers Education University,
Gangaiamman Koil Street,
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+1 CC to M/s.K. RAJASEKARAN, Advocate (SR-24190[F] dated 27/05/2022
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**W.P (MD) No.10568 of 2022
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