
(2014) 08 MAD CK 0164

In the Madras High Court

Case No : Writ Petition No. 31205 of 2013, M.P. Nos. 1, 2 of 2013 and 1 of 2014

C.K.S. Educational Trust

APPELLANT

Vs

National Council for Teacher Education

RESPONDENT

Date of Decision : 14-08-2014

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 17, 17(3)

Citation : (2014) 08 MAD CK 0164

Hon'ble Judges : S. Rajendran, J

Bench : Single Bench

Judgement

S. Rajeswaran, J.—This writ petition has been filed for issuance of writ of Certiorarified Mandamus, calling for the records of the first respondent pertaining to F. No. 89-430/2013-Appeal/14th Meeting-2013 on the file of the Member Secretary, NCTE, dated 30.10.2013 confirming the order of the second respondent in F. No. APS08856/B/ED/TN/2013-14/51500 dated 10.05.2013 thereby withdrawing the recognition already granted in favour of the petitioner and quash the same and consequently direct the respondents 1 and 2 to grant recognition to the petitioner institution for the B.Ed course in the new premises in Chettikuppam Post, (via) Melalathur, Gudiyatham Taluk, Vellore District, Pin 635806.

2. The case of the petitioner as given in the affidavit filed in support of the writ petition is as follows:

The petitioner Trust is running a Teacher Training College in the name of C.K.S. College of Education in Gudiyatham, Vellore District. Recognition was accorded for a period of two years, from the academic year 2006-2007 to conduct the Elementary D.T.Ed. Course with annual intake of 50 students, by the first respondent, in his proceedings dated 23.10.2006. The petitioner also complied with all the conditions duly and has been running the institution without any complaints whatsoever. The first respondent gave recognition to conduct the Secondary (B.Ed.) course for one year duration with an annual intake of 100

students, by his proceedings dated 03.04.2008. The petitioner institution has already complied with all the directions issued to them. Affiliation has been granted by the Thiruvalluvar University by its order dated 30.06.2008. After the formation of the third respondent, the petitioner's College was granted affiliation by the 3rd respondent with effect from 01.07.2008, as per their letter dated 22.05.2012.

3. While so, on 23.07.2010, the second respondent issued a show cause notice, asking the petitioner to furnish details as regards to their own land and buildings, to which, the petitioner has to shift its D.T.Ed course within three years of recognition. They also enclosed a format to be filled up and submitted by the petitioner. The petitioner has duly complied with the same and submitted the said questionnaire as directed, requesting them to permit the petitioner to shift to their new premises. However, the second respondent issued a show cause notice on 04.02.2011 calling upon the petitioner to submit additional details. The petitioner submitted their explanation with supporting documents on 22.02.2011. Despite that, a final show cause notice was issued on 18.04.2011, listing out three deficiencies. The petitioner submitted their explanation with documentary proof of their due compliance on 23.05.2011. The second respondent, upon satisfying itself with all the requirements as submitted by the petitioner, by order dated 12.07.2011, granted permission to the petitioner to shift to their new permanent premises at Kakkathoppu Village, Chettikuppam Post, via Melalathur, Guidyatham, Vellore for conducting the D.T.Ed course.

4. Though the petitioner had submitted their application for shifting to their new premises for conducting both the D.T.Ed and B.Ed. Courses, the second respondent considered the application for D.T.Ed. Course only on the ground that inspection was carried out only with regard to conducting the D.T.Ed. Course. The petitioner was subsequently directed by the second respondent on 17.02.2012 to submit a separate application for shifting of the B.Ed. Course and to pay inspection fee for the same. Inspection of the building both for conducting D.T.Ed. and B.Ed. Courses was carried out on 12.06.2012. Based on the visiting team's report, the second respondent had issued a show cause notice on 29.08.2012, listing out 14 deficiencies. The petitioner was shocked and surprised at this notice, when the second respondent had already granted approval of shifting by its order dated 12.07.2011. Out of the 14 deficiencies pointed out, six of them were related to the documents already produced by the petitioner and approved by the second respondent. Thus, there was a total non-application of mind on the part of the respondents.

5. However, in respect of the show cause notice dated 29.08.2012, the petitioner submitted a reply with all the documents and details, as sought for from the petitioner. With regard to the approved staff list, the petitioner had submitted that they had already submitted a staff list to the third respondent as early as on 23.11.2012 for approval and the same was awaited. In fact, the details have already been furnished to the visiting team and the staff profiles were also

furnished in original to the visiting team.

6. But, the second respondent had issued a final show cause notice on 31.12.2012, alleging that out of the 14 items listed in the show cause notice dated 29.08.2012, nine of them were not rectified and therefore on that ground, gave 21 days time to the petitioner to rectify and submit the same to the respondent. Out of the 9 items listed out in the final show cause notice dated 31.12.2012, it could be seen that items 2, 3 and 4 pertain to the land and building, which had already been approved in the order dated 12.07.2011. Item No. 5 was the approved staff list, which was also pending with the third respondent. Item Nos. 1, 7 to 9 were complied with and necessary proof was also produced along with the petitioner's letter dated 31.12.2012 (acknowledged by the second respondent on 07.01.2013). But, the second respondent without even looking into the enclosures submitted by the petitioner, right from the very beginning, proceeded to hold that six items of deficiencies were not cured and ordered withdrawal of the recognition, in so far as B.Ed. Course is concerned by its order dated 10.05.2013. Surprisingly, in the impugned order of the second respondent dated 10.05.2013, as against the Item No. 1 of the deficiency, they alleged that the approved staff list for both the B.Ed. and D.T.Ed. courses were not submitted, when there was no direction in the show cause notice with regard to D.T.Ed. courses, as it has already been recognised by the order dated 12.07.2011. Thus, in the impugned order of the second respondent, they have incorporated the items which were not in the zone of consideration at all. Moreover, when the third respondent had neither rejected the staff list submitted nor forwarded their approval to the petitioner, the second respondent cannot blame the petitioner for the same and proceeded to withdraw the recognition. In their order dated 10.05.2013, Item No. 2 which had already been submitted during the recognition of D.T.Ed. course, details were again submitted by the petitioner along with the very same explanation. Item Nos. 3 to 5 had already been complied with and necessary documentary proof was submitted. Hence, the impugned order of the second respondent is absolutely arbitrary and bereft of reasons.

7. As against the order dated 10.05.2013 issued by the second respondent, an appeal was preferred to the first respondent. Though before the Appellate Authority, the petitioner had placed all the facts and the relevant materials to substantiate that the Approved list was awaited from the third respondent, the first respondent without even appreciating the scope of the enquiry, had passed the impugned order dated 30.10.2013 confirming the order of the second respondent dated 10.05.2013. Hence, the above writ petition for the aforesaid prayer.

8. This Court on 19.11.2013 at the time of admission, granted an interim order in M.P. No. 1 of 2014, as against the third respondent not to withdraw the affiliation, pending disposal of the writ petition. The same has been extended from time to time and it is in force till date.

9. The respondents 1 and 2 have filed a common counter affidavit, wherein they have stated as follows:

That the recognition was granted to the petitioner by order dated 23.10.2006 for D.T.Ed course permitting to run in a temporary premises on condition that the institution shall shift to its own premises within three years. That the recognition also was granted to the petitioner on 03.04.2008 for B.Ed. Course with the same condition to shift to its own premises within three years.

10. Since the three year period in respect of D.T.Ed. Course expired on 22.10.2009 and since the petitioner did not shift to its own premises, the second respondent sent a show cause notice dated 23.07.2010. The petitioner sent a reply on 16.08.2010 admitting that the building was not completed within the stipulated period of three years and the shifting was made on 27.03.2010. That the said shifting is without any order of shifting from the second respondent. After considering the reply and connected documents, another fresh show cause notice was issued on 04.02.2011. The reply dated 22.02.2011 for the said letter was considered and final show cause notice was issued on 18.04.2011. Upon consideration of the reply, by order dated 12.11.2011 shifting was permitted. Since the stipulated mandatory period of three years for shifting was expired by 22.10.2009, the said application of the petitioner submitted on 16.08.2010 i.e., after expiry of three years stipulated period and shifting orders passed on 18.04.2011 after the expiry of three years period are not valid and they are unenforceable. The same is purely a bonafide mistake. In so far as B.Ed course is concerned the said three years statutory period expires on 02.04.2011. Therefore the second respondent issued a show cause notice on 29.08.2012 regarding the said non shifting within the stipulated period. Though the petitioner contended that the application submitted for shifting on 16.08.2010 was for both D.T.Ed and B.Ed courses, in law there shall be separate application for shifting in respect of each course and as such the application dated 16.08.2010 was considered only for D.T.Ed. Course and not for B.Ed. Course. Hence the petitioner submitted fresh application for shifting on 27.02.2012 enclosing Demand Draft for inspection.

11. Admittedly the three year period for B.Ed. Course for shifting came to an end on 02.04.2011 itself. Therefore the said application submitted on 27.02.2012, after the expiry of the said stipulated period is not valid. But without prejudice to the same, the petitioner institution was inspected and found several deficiencies for which a show cause notice was issued on 29.08.2012. The petitioner sent a reply on 03.10.2012 enclosing some documents. After considering the said reply, final show cause notice was issued on 31.12.2012 stating that the deficiencies were not complied with. Consequent upon that, the impugned order was passed by the second respondent on 10.05.2013, withdrawing the recognition for B.Ed. Course. As against that order, the petitioner preferred an appeal before the first respondent. But the first respondent by its order dated 30.10.2013, impugned herein, dismissed the said appeal confirming the impugned order of the second

respondent.

12. Even in paragraph 7 of the affidavit filed in support of the writ petition, the petitioner admitted that the staff list was submitted for approval on 23.11.2012 and reply is awaited from the third respondent. As stated earlier, the approval of shifting granted on 12.07.2011 for D.T.Ed course itself is invalid in view of the same being granted after the expiry of stipulated period of three years for shifting.

13. Since the petitioner did not comply with the statutory and mandatory condition of shifting within three years, the recognition in respect of both D.T.Ed. and B.Ed. course are liable to be withdrawn. Assuming without admitting that the petitioner is having enough built up area, entire infrastructure and the approved staff list, the second respondent does not have any jurisdiction whatsoever to permit shifting after the expiry of the statutory and mandatory period of three years. Even if such orders are passed, the same would be totally without jurisdiction and per se illegal. It is further stated that just because an inspection has been carried out, the same will not give any right to ask for an order of shifting after the stipulated period. Therefore there is no illegality nor infirmity in the impugned order of the second respondent as confirmed by the first respondent. Hence they prayed for dismissal of the writ petition.

14. Counter affidavit has been filed by the third respondent, wherein they have stated as follows:

That the Government of India enacted the National Council for Teacher Education Act, 1993 to provide for the establishment of National Council for Teacher Education with a view to achieving planned and co-ordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith. The said Act came into force on the 1st day of July, 1995. Accordingly the National Council for Teacher Education, New Delhi through their Southern Regional Committee, Bangalore granted recognition of Institutions offering course or training in teacher education under this Act.

15. The Government of Tamil Nadu enacted the Tamil Nadu Teacher Education University Act, 2008 to provide for the establishment and incorporation of Tamil Nadu Teachers Education University in the State of Tamil Nadu for promoting excellence in teacher education and the Act came into effect from 01.07.2008. The Tamil Nadu Teachers Education University, Chennai is granting affiliation to the Colleges of Education on the basis of unconditional recognition order of National Council for Teacher Education. The Institutions, those who have affiliated prior to 01.07.2008 by the other Universities in Tamil Nadu have come under the affiliated status of this University, after the establishment of this University and started functioning with effect from 01.07.2008 by virtue of the Tamil Nadu Teachers Education University Act, 2008. Once the statutory body, National Council for Teacher Education withdrawn recognition of the Colleges of

Education, it is mandatory of the University as the affiliating body has to withdraw the affiliation of the College under Section 17(3) of the National Council for Teacher Education Act with effect from the end of the academic session next following the date of communication of the said order.

16. The petitioner submitted the qualifying educational certificates and previous experience certificates to this University on 23.11.2013 and requested to grant of qualifications approval for the faculties appointed by the management of the college. The verification was carried out on the same day and the details of further information and documents required for granting staff approval have also been informed to them to submit the required remaining particulars immediately for the process of granting qualification approval for the staff. But there was no response from the petitioner's Institution till 05.05.2013. Only on 06.05.2013, one Mr. M.S. Vedhachalam, Legal Advisor of the petitioner Institute has submitted the remaining required details and documents to the University in person. On the same day (06.05.2013) it was verified carefully and granted qualification approval for the staff and issued approved staff list to the petitioner Institute through the same Legal Advisor. Mr. M.S. Vedhachalam has also affixed his signature and date in the office copy of the approved staff list. Among the details of the list of staff submitted one Mr. M. Murthy, Assistant Professor of Tamil was found not eligible to hold the post of Assistant Professor. Hence the name of Mr. M. Murthy was rejected from the list. The inspection of the petitioner College was held on 26.06.2013 which is earlier to 23.12.2013, i.e., prior to submission of documents for granting approval of staff list. As stated by the petitioner further documents have been handed over to the Inspecting Team is not correct. Since no such Inspection Team was appointed by this University during this period. Even though the petitioner institution collected the approved staff list from the third respondent on 06.05.2013, the same was not handed over to the third respondent till 10.05.2013. Hence the second respondent has noted, the non-availability of the approved list as one of the deficiencies for withdrawing recognition and passed final orders on 10.05.2013. Had the petitioner Institution acted promptly and handed over the approved staff list to the second respondent before 10.05.2013, inclusion of this deficiency could have been avoided. Therefore for the above lapses on the part of the petitioner, the third respondent cannot be blamed. Hence, the contention put forth by the petitioner have been totally denied and they prayed for dismissal of the writ petition.

17. Heard Mrs. Chitra Sampath, the learned senior counsel for the petitioner and the learned senior standing counsel for the respondents 1 and 2 and the learned counsel for the third respondent University. I have also gone through the entire documents made available on record including the judgments cited by the learned counsel for the respondents 1 and 2.

18. It is not in dispute that recognition was granted to the petitioner's institution on 23.10.2006 with certain conditions. Notice under Section 17 of the Act was

issued to the petitioner institution on 17.6.2008. The institution submitted its reply on 16.7.2008. A meeting was held by the second respondent on 18/19-10-2008, wherein it was decided to cause inspection of the institution to verify the veracity of the compliances as claimed by the institution. As per the decision of the second respondent, the second respondent reviewed the files of the institutions which have been granted recognition either in a rented premises pending construction of its own building or in leased premises. A list of such institutions has been prepared and it was decided that the institutions which have not shifted to the permanent premises even after the expiry of three years time limit, be issued notice for further action. Consequently, a notice was issued to the petitioner's institution on 23.7.2010 to submit the enclosed documents. The institution submitted its reply on 23.8.2010 along with the photocopies of certain documents. After considering the matter, the second respondent decided to cause inspection for shifting of premises.

19. It is also not in dispute that inspection of the petitioner's institution for shifting to the permanent premises was conducted on 16.11.2010. Thereafter, the committee in the meeting held on 22/23.12.2010, considered the V.T. report, VCD and all the relevant documentary evidences and it was decided to serve a show cause notice and accordingly, a show cause notice was issued to the institution on 4.2.2011. The institution submitted a reply on 24.12.2011. The committee considered the reply and decided to issue a final show cause notice to the institution and accordingly, a final show cause notice was issued on 18.4.2011. For this final show cause notice, the institution submitted its reply on 23.5.2011. The committee in its 206th meeting held on 9th and 10th June, 2011, considered the V.T. report of the institution, reply of the institution to the show cause notices already issued and the other related documents along with the original files of the institution for shifting to new permanent premises and decided to permit shifting to the new premises. Consequently, the Regional Director, National Council for Teacher Education, Southern Regional Committee passed orders on 12.7.2011, permitting the petitioner's institution to shift to new permanent premises at Kakkathoppu village, Chettikuppam, Gudiyatham, Vellore, for conducting the D.T.Ed. Course. I have gone through the order dated 12.7.2011 and I confirm that after exchange of so many notices, replies and explanations, finally the second respondent after getting satisfied with the replies sent by the petitioner and after going through the documents, permitted the petitioner institution to shift to its new permanent premises for conducting the D.T.Ed course.

20. In such circumstances, it is not open to the respondents 1 and 2 now to claim that what has been done is a bona fide mistake and therefore, nothing comes out of the order dated 12.7.2011 to the petitioner. It is straight law that in an order passed in favour of a person, cannot be simply brushed aside by merely saying that the same has been passed by a bona fide mistake without issuing a notice and an opportunity to the person who has been benefited by the order as to the same why the same could not be withdrawn. Hence, I am not in

agreement with the reasons given by the respondents 1 and 2 to contend that the shifting order granted to the petitioner institution for conducting the D.T. Ed course is a mistake and no right flows out of it to the petitioner.

21. Now, coming to the B.Ed course that is being conducted by the petitioner institution, it is true that both the courses are being offered in the same building. By the order dated 12.7.2011, what has been permitted by the respondent No. 2 is shifting the premises for conducting the D.T.Ed course. Therefore, the institution was asked to submit proposals for shifting of the premises for conducting the B.Ed course, on 17.2.2012. Accordingly, the institution submitted documents and the requisite fee and informed that the petitioner institution was shifted to the new building for conducting the B.Ed course also.

22. The second respondent in its meeting held on 9/10.5.2012 considered the request of the institution by their letter dated 21.11.2011 and all the relevant documents and decided to cause shifting inspecting of the B.Ed course at the new premises and to examine whether the institution fulfills all the requirements as per the norms for conducting the B.Ed programme subject to the condition that the deficiencies, if any, were duly rectified by the institution as per the norms.

23. An inspection was conducted on 12.6.2012 and the Southern Regional Council in its 229th meeting held on 30/31.7.2012 considered the V.T. report, VCD and all the documentary evidences and it was decided to serve a show cause notice for various deficiencies.

24. As rightly pointed out by the learned senior counsel for the petitioner, that in those deficiencies pointed by the second respondent, in their show cause notice dated 29.8.2012, some of the deficiencies were already raised at the time of considering shifting of the D.T.Ed course, for which, satisfactory explanation was provided with and the same was also accepted and only thereafter the second respondent approved the shifting to the new permanent premises for conducting the D.T.Ed course. Therefore, repeating the very same deficiencies, will definitely go to show that the respondent No. 2 has not applied its mind at all while considering the V.T. report and the other documents. It is obvious that the second respondent has not considered the fact that all the documents pertaining to the building were already submitted at the time of seeking permission to shift to the new building for conducting the D.T.Ed course.

25. Even for this show cause notice dated 29.8.2012, a reply has been given by the Principal of the institution stating clearly that whatever deficiencies or shortcomings, were already complied with. The major deficiency pointed out by the second respondent is that staff list was not approved by the third respondent. For this major deficiency, the petitioner gave a reply that the list was already prepared and sent to the University/the third respondent herein and the approval of the University was awaited. With regard to the other deficiencies which are minor in nature, the reply of the Principal giving explanation as to how

necessary action has been taken.

26. However, the second respondent considered the reply of the institution and decided to serve a final show cause notice and the final show cause notice dated 3.12.2012 points out 9 deficiencies, out of which, some of the deficiencies are relating to the land and building, which were already raised, explained and accepted by the second respondent. A perusal of the final show cause notice dated 31.12.12 would go to show that the major deficiency is once again the non-approval of the staff list by the third respondent. After receiving the final show cause notice, the Principal of the institution, by his reply dated 31.12.12, clearly stated that they rectified the deficiencies as shown in the show cause notice dated 31.12.2012 and they enclosed the rectified particulars in the enclosure. A perusal of the rectification report enclosed along with the Principal's reply dated 31.12.2012 would go to show that the institution as complied with all the queries raised, excepting the major deficiency of the staff list not getting the approval of the third respondent University. The explanation offered by the Principal for this deficiency is that the staff list was already submitted to the third respondent University for approval and the report was awaited from the University.

27. By the impugned order dated 10.5.2013, the second respondent decided to withdraw the recognition for six reasons and the major reason is that the institution has not submitted the approved staff list both for the D.T.Ed course and the B.Ed. Course as approved by the third respondent University.

28. The learned senior counsel has correctly pointed out that all the notices and the letters exchanged between the parties are only for the B.Ed course, but in the impugned proceedings dated 10.5.2013, the second respondent has chosen to include the D.T.Ed course also, for which, no notice was sent nor any explanation was called for. In fact, permission has been granted to the institution to shift to the new premises for conducting the D.T.Ed course after exchange of notices, explanations and other documents. This will once again go to show that the second respondent has thoroughly mistaken that the institution is once again asking for permission to shift both the D.T.Ed and B.Ed courses together. The documents filed in the typed set of papers would clearly establish that for the first time, permission has been granted for D.T.Ed course to be conducted in the new premises, that too, after inspection and after exchange of a number of notices, replies, explanations and documents. Therefore, in so far as the D.T.Ed course is concerned, the matter has already reached its finality by the order of the second respondent dated 12.7.2011 itself. However, the respondents 1 and 2 made a very feeble attempt in the counter by simply saying that this order is a bona fide mistake, which, I find it very difficult to agree with. Educational matters and granting approvals were very serious matters which could not be dealt with casually as attempted by the respondents 1 and 2 in their counter. If the respondents 1 and 2 are not entitled to grant permission, then, there is absolutely no interest for the second respondent to make further inspection, ask for further documents and further compliances, having raised all the queries and

having pointed out all the deficiencies and having received proper explanations and having permitted the institution to shift to the new building for conducting the D.T.Ed course. Hence, it is not open to the respondents 1 and 2 to disown and disregard.

29. Therefore, I find force in the submissions of the learned senior counsel for the petitioner, that in the original impugned order dated 10.5.2013, the second respondent mixed up the facts and came out with a reason that approved staff list for the B.Ed and D.T.Ed courses was not duly sent by the third respondent University, when D.T.Ed course was not at all raised in all the notices before passing the final order dated 10.5.2013. The other five reasons given are not very serious, but, even for them, proper and valid explanation has also been furnished by the Principal of the institution, but the impugned order dated 10.5.2013 has not chosen to say, as to why the explanation was not accepted and as to why deficiencies still exist. Only when the second respondent comes forward and reveals reason for not accepting the explanation, then only, it would be possible for institution to explain and to act accordingly. However, on going through the notices sent by the second respondent, I find that they have submitted their written statement mechanically without application of mind and therefore, the impugned order dated 10.5.2013 to that extent is defective and not to stand the scrutiny of law.

30. However, one major concern which I should also share is the non-approval of the staff list by the third respondent University, for which, the only explanation given at that time is that the approval was awaited from the University. Now, the University in the counter affidavit filed in the writ petition through its Registrar admits that required details and documents were submitted by the petitioner institution for granting qualification approval for the staff on 5.5.2013 and the same was verified carefully and granted qualification approval for the staff and issued the approved staff list to the petitioner's institution through their Legal Adviser.

31. It is true that there is some delay on the part of the petitioner institution in getting the approved list from the University and though the petitioner and the third respondent blame each other for the same, the fact remains that the qualification approval has been granted for the staff of the petitioner institution. In such circumstances, the major deficiency is also removed and therefore, I do not find a valid reason to stop the institution from functioning the B.Ed course also. It is true that the institution is also to be blamed for not getting the staff approval list well in time, but at the same time, on that ground alone, the recognition should not be withdrawn especially when the third respondent University made it very clear that the staff list was approved though belatedly.

32. Aggrieved by the original impugned order dated 10.5.2013, the petitioner filed the appeal No. 1359/2013 before the first respondent. In the appeal petition, the petitioner raised as many as 12 grounds pointing out how the deficiencies have been complied with and how the documents submitted by the

institution are not properly considered by the second respondent. But, the first respondent passed the order dated 30.10.2013 rejecting the appeal and confirming the order passed by the second respondent on 10.5.2013. A perusal of the order dated 30.10.2013 passed by the Appellate Authority would go to show that the Appellate Authority has not exercised its appellate powers in a manner known to law. When the appeal petition (A. No. 1359/2013) raises nearly 12 grounds, nothing has been discussed by the Appellate Authority and how the Appellate Authority chose to reject those grounds. In fact, it is a one page order wherein the stand of the petitioner and the stand of the second respondent were re-produced and thereafter it has been stated by the Appellate Authority that the Counsel concluded that the SRC was justified in refusing the recognition and therefore, the appeal deserves to be rejected and the order of the SRC is confirmed. This, in my view, is not a proper way of disposing of an appeal and in fact, it can be considered as an order containing no reasons. It is true that when the Appellate Authority concurs with the original authority, it need not pass an elaborate order, but at the same time, the order should show that the Appellate Authority has applied its mind independently, considered the grounds and rejected the same on valid reasons. But, this order of the Appellate Authority dated 30.10.2013 does not comply with the same and all it shows is that after considering the documents and the arguments advanced, the appeal was rejected. Therefore, the Appellate Authority as first respondent has not exercised its appellate powers properly and therefore, on that ground alone, the order dated 30.10.2013 deserves to be interfered with.

33. In the result, I am inclined to allow the writ petition as prayed for by setting aside both the orders passed by the original authority and the Appellate Authority.

34. Though a number of judgments have been cited by both the learned counsel, I am not referring to any one of them, as this writ petition could be decided on its own facts and circumstances. Further, all the judgments cited are distinguishable on facts and it is settled law that no judgment can be applied in a straight jacket formula when the facts are totally different.

35. In the result, the writ petition is allowed. No costs. Consequently, other miscellaneous petitions are also closed.