

(2016) 02 MAD CK 0115

In the Madras High Court

Case No : W.P. No. 6687 of 2016 and W.M.P. No. 5923 of 2016

Krishnamoorthy Educational Trust

APPELLANT

Vs

The National Council for Teacher Education and Others

RESPONDENT

Date of Decision : 29-02-2016

Acts Referred:

Citation : (2016) 02 MAD CK 0115

Hon'ble Judges : R. Subbiah, J.

Bench : Single Bench

Advocate : G. Thilakavathi, for the Appellant; M.T. Arunan, for the Respondent

Final Decision : Disposed off

Judgement

R. Subbiah, J.—1. The present writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 3rd respondent culminating into the order dated 08.02.2016 made in No. TNTEU/R/CC/NOC/Syn.Feb1-item9/2016/171 and to quash the same and consequently, to direct the 3rd respondent to grant No Objection Certificate to the petitioner to establish a B.Ed., College of Education in the name and style of "Bharathiyar College of Education" for the academic year 2016-2017 by considering the representation of the petitioner Management dated 13.02.2016.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows:--

2-1. The petitioner-Trust has submitted an application online on 30.06.2015 for establishment of a new college of education for B.Ed. programme in the name of "Bharathiyar College of Education". As far as the establishment and running of Teacher Education institutions are concerned, after the enactment of the National Council for Teacher Education Act (in short "NCTE Act"), the powers to grant recognition to Teacher Education institutions are vested with the concerned Regional Committees of the NCTE. Insofar as it relates to the State of Tamil Nadu, the educational institutions imparting Teacher Education are to be

recognized by the NCTE-SRC located at Bengaluru. For recognition of B.Ed. Programme, NO OBJECTION Certificate has to be obtained from by the affiliating body.

2-2. The NCTE at New Delhi, under the NCTE Act had framed regulations prescribing norms and standards as well as procedure for grant of recognition to various kinds of Teacher Education institutions. The NCTE, New Delhi, in supersession of the NCTE Regulations, 2009, has framed National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2014 on 28.11.2014 and the same was notified in the official gazette of Government of India and the new Regulations have come into effect from 01.12.2014. According to the NCTE Regulations, 2014, every institution, desirous of running Teacher Education programme, may apply to the concerned Regional Committee online between 1st March and 31st May of the preceding year from the academic session for which the recognition is sought. The prescribed fee for making application is Rs. 1,50,000/- per each programme and along with application online, it should also submit the scanned copy of land documents relating to the institution and thereafter, hard copy of various documents including NOC from the affiliating body shall be submitted to the NCTE-SRC for further processing of the application. On receipt of the application, the Regional Committee i.e., NCTE-SRC would forward a copy of the applications submitted in triplicate, to the State Government or Union Territory administration, within 30 days in chronological order. On receipt of the said communication from the NCTE-SRC, the State Government/Union Territory administration shall furnish its recommendation or comments to the NCTE-SRC within 45 days. Only thereafter, either on receipt of such recommendations or comments from the State Government or otherwise, the Regional Committee going into the merits of the application concerned, shall decide that the institution to be inspected by a team of experts and thereafter, based on the inspection committee report, a further decision would be taken by the NCTE-SRC for grant of recognition to the institution/course concerned. The above referred procedure has been given in detail in the NCTE Regulation, 2014. As per the above procedure, it becomes crystal clear that the submission of application to the NCTE would be the first step followed by the documents to be submitted by way of hard copy and thereafter, the State Government or affiliating body's recommendations/comments would be obtained by the Regional Committee of the NCTE and even if the same is not received from the State Government or affiliating body within a time-frame as prescribed under the Regulations, then the application would be processed on its own merits by the Regional Committee of the NCTE and a final decision either to grant recognition or otherwise would be taken thereafter.

2-3. However, in the Regulations, 2014, a further requirement has also been indicated under Regulation (5), according to which the institutions while making applications to the Regional Committee of the NCTE also have to submit scanned copies of the documents such as, NOC issued by the concerned affiliating body. As far as the institutions imparting B.Ed. or M.Ed., Courses are concerned, the

affiliating body in the State of Tamil Nadu is the 3rd respondent herein.

2-4. In order to get No Objection Certificate from the affiliating body (3rd respondent herein), the petitioner has submitted an application on 29.06.2015 to the 3rd respondent requesting to grant No Objection Certificate, so as to enable the petitioner to submit the same to the NCTE-SRC for consideration of their application for grant of recognition for the B.Ed. course of study. But, no order granting NOC was passed by the 3rd respondent. Since there was no response from the 3rd respondent, the petitioner had filed a writ petition in W.P. No. 38550 of 2015 before this Court seeking a direction to the respondents to process the application submitted by the petitioner-Trust. This Court by order dated 22.12.2015 directed the petitioner to submit their explanation to the show cause notice issued by the 2nd respondent on 21.10.2015 and thereupon, directed the 3rd respondent to consider the request of the petitioner for grant of NOC from 29.06.2015. Pursuant to the orders of this Court dated 22.12.2015, the petitioner had submitted its explanation on 07.01.2015. In spite of the submission of records by the petitioner, surprisingly, the 3rd respondent has passed the impugned order dated 08.02.2016 rejecting the application of the petitioner, stating that applications were processed and found that no documents were furnished, which is an utter falsity. Hence, the petitioner has come forward with the present writ petition before this Court."

3. Heard the submissions made on either side and perused the materials available on record.

4. Considering the facts and circumstances of the case and taking note of the fact that the application of the petitioner was rejected by the 3rd respondent only on the ground that no documents were submitted along with the application for No Objection Certificate, this Court is of the opinion, in the interest of justice, it would be appropriate to direct the petitioner to resubmit its application along with all necessary documents to the 3rd respondent for issuance of No Objection Certificate to establish a new college of education and on receipt of the same, the 3rd respondent could be directed to consider the same.

5. Accordingly, the impugned order is quashed. The petitioner is directed to resubmit its application, with all necessary documents, to the 3rd respondent, for issuance of No Objection Certificate, for establishing a new College of Education for B.Ed., in the name of Bharathiyar College of Education. On receipt of such application, the 3rd respondent is directed to consider the same and pass appropriate orders, on merits and in accordance with law, at the earliest.

With the above terms, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.