

(2011) 01 KAR CK 0123

In the Karnataka High Court

Case No : Writ Petition No's. 21133 of 2010 and 21557 of 2010

Sri. Venkat Women's Educational Rural and Urban Integrated
Development Society

APPELLANT

Vs

The Southern Regional Committee of The National Council For
Teachers Education

RESPONDENT

Date of Decision : 19-01-2011

Acts Referred:

National Council for Teachers Education Act, 1993 — Section 17

Citation : (2011) 01 KAR CK 0123

Hon'ble Judges : Ram Mohan Reddy, J

Bench : Single Bench

Advocate : K.C. Shantakumar, for the Appellant; Ashok Haranahalli, Assts.
Advocate, for the Respondent

Judgement

Ram Mohan Reddy, J.—Heard the learned Senior counsel Sri. Subramanya Jois for the Petitioner and learned Counsel for the Respondent.

2. Indisputably, the Petitioner - Society manages and controls two educational institutions namely (i) Sri. Parshwanath College of Education for Women, Ajjihalli Post, Channagiri Taluk, Davanagare where B. Ed. course is offered from the academic year 2004-2005 with an annual intake of 100 students; (ii) Sri. Parshwanatha Teachers Training Institute for Women, Ajjihalli Post, Channagiri Taluk, Davanagere District, offering elementary D. Ed, course for 2 1/2 years duration from the academic year 2004-2005 with an annual intake of 50 students, on securing the required recognition of the National Council for Teachers Education ("NCTE" for short), Annexures "A" & "B" respectively.

3. Some of the students of the Colleges addressed a written complaint to the NCTE over the inadequacies in the infrastructure provided by the Management which led to a letter dated 9.2.2010 Annexure-"E" of the NCTE addressed to the Principal of Sri. Parashwanath College of Education for Women, calling upon the institution to submit its remarks within 15 days therefrom which was complied

with by letter dated 17.02.2010 Annexure-"F". The NCTE, passed a resolution in its 190th meeting held on 29/30.03.2010 to cause inspection of the two Colleges invoking Section 17 of the NCTE Act, 1993, followed by an inspection and a report. The NCTE, having considered the report, in its 193rd meeting held on 21/22.06.2010, decided to withdraw the recognition for B. Ed. as well as D. Ed. course and by order dated 3.8.2010 published the decision in the Gazette Annexure-"P". Hence these writ petitions.

4. Petitions are opposed by filing Statement of objections interalia contending that the visiting team submitted a report countersigned by the Management where deficiencies in the infrastructue were admitted leading to the withdrawal of the recognition.

5. Suffice it to state that the Petitioner - Society, the beneficiary of the recognition for the two courses in the two colleges supra, was not issued with either the notice Annexure-"E", or a copy of the report of the visiting team, so as to put forth its say and therefore, the order suffers from the vice of violation of the principles of natural justice.

6. The notice Annexure-"E" extracting the contents of the complaint received by the NCTE and the report Annexure-"R4" to the Statement of objections are read down as show cause notice. The Petitioner is permitted to file objections/ explanation within a period of three weeks and if so done, the Respondent - NCTE is directed to consider the same and pass orders, in accordance with law. The order dated 3.8.2010 Annexure-"P" stands quashed. Writ petitions are ordered accordingly.