

(2009) 08 KL CK 0075

High Court Of Kerala

Case No: Writ Petition (C) . No. 19659 of 2009 (S)

Aryamol. A

APPELLANT

Vs

University of Kerala and The
Regional Director

RESPONDENT

Date of Decision: Aug. 28, 2009

Acts Referred:

- National Council for Teacher Education Act, 1993 - Section 14(3), 14(5), 18

Hon'ble Judges: S.R. Bannurmath, C.J; A.K. Basheer, J

Bench: Division Bench

Advocate: George Poonthottam, for the Appellant; V.M. Kurian, SC, SRC-NCTE, for the Respondent

Judgement

A.K. Basheer, J.

This public interest litigation is at the instance of a candidate who claims that she proposes to apply for admission to the B.Ed. course in one of the institutions being run by the University of Kerala, Thiruvananthapuram. According to the petitioner, while she was about to apply for centralized allotment, she came to know that the National Council for Teacher Education had forbidden the University from inviting application, but nevertheless, the University has proceeded to do so. It is in the above circumstances that the petitioner has filed this writ petition with the following reliefs:

- i) issue a writ restraining the respondent University from offering B.Ed. course through their college of teacher education without obtaining the recognition from the 2nd respondent as provided in Section 14(3)(a) of the NCTE Act.
- ii) issue a writ declaring that the respondent university cannot merely being the examining body and has the power to grant affiliation cannot bypass the requirements of law when B.Ed. course is offered, without complying the requirements of Central Act 73/1993.

iii) issue a writ directing the 2nd respondent to take further action restraining the respondent university from running and conducting examinations in the teacher education colleges run by the respondent university without granting recognition as required under law.

2. In response to the contentions raised by the petitioner, the University in its counter affidavit has refuted all the allegations. However, it is admitted by the University that the National Council for Teacher Education had in fact withdrawn the recognition for the institutions being run by the University for the previous academic year on noticing certain defects. Those defects, according to the University, had been cured. It is further contended by the University that an appeal as provided u/s 18 of the National Council for Teacher Education Act, 1993 (hereinafter referred to as "the Act") has been preferred by the University on July 29, 2009 and the appeal has already been admitted by the appellate authority and notice issued to respondent No. 2 calling for its remarks. It is the further contention of the University that going by the provisions contained in Sub-section (5) of Section 14 of the Act, the University is entitled to continue with the admissions for the current academic year. Learned Counsel appearing for the petitioner takes exception to the above contention raised by the University and asserts that the attempt of the University is to misinterpret the said provision.

3. We have also perused the statement filed by respondent No. 2. It is submitted by the learned Standing Counsel that the recognition was withdrawn for the previous academic year due to certain defects. It is also pointed out that respondent No. 2 has interdicted the University from making admissions for the current academic year.

4. Anyhow, we do not propose to make any observation on the above aspect at this stage since the statutory appellate authority is in seisin of the matter. In our view, the statutory appellate authority has necessarily to consider all those aspects and pass appropriate orders, either interim or final, in accordance with law.

Writ petition is closed.