IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 30TH DAY OF JANUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE R.NATARAJ

WRIT PETITION NO.200108 OF 2023 (EDN-REG)

BETWEEN:

1. BASAVESHWAR COLLEGE OF EDUCATION,
SRI TONTADARYA VIDYAPEETH,
GADAG-582101.
REPRESENTED BY ITS SECRETARY,
SHIVANAND S/O SHIVALINGAPPA
PATTANASHETTY, AGE: 64 YEARS.

2. BASAVESHWAR COLLEGE OF EDUCATION,
JEWARGI-585310,
DIST. KALABURAGI,
REPRESENTED BY ITS PRINCIPAL
SATISH PATIL, AGE: 54 YEARS.

...PETITIONERS

(BY SRI. PRASHANT.B.WAJANTRI, ADVOCATE)

Digitally signed by SACHIN
Location: High Court Of Karnataka

AND:

1. NATIONAL COUNCIL FOR TEACHERS EDUCATION,
SOUTHERN REGIONAL COMMITTEE,
G-7, DWARKA SECTOR-10,
NEW DELHI-110075.
REP BY THE REGIONAL DIRECTOR.

2. THE STATE OF KARNATAKA,
UNDER SECRETARY,
EDUCATION DEPARTMENT
(UNIVERSITY AND GENERAL-1),
VIDHANA SOUDHA,

AMBEDKAR VEEDHI, BENGALURU-01.

…RESPONDENTS

(BY SRI. VINOD KUMAR M, ADVOCATE FOR R1;
SMT. ANITA M. REDDY, HCGP FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI THEREBY QUASHING THE ORDER OF WITHDRAWAL OF THE RECOGNITION BY THE RESOLUTION NO.31 OF THE 400TH MEETING OF THE SOUTHERN REGIONAL COMMITTEE (SRC) NATIONAL COUNCIL FOR TEACHER EDUCATION HELD ON 13TH AND 14TH JULY 2021 VIDE ANNEXURE-D, B) ISSUE WRIT IN THE NATURE OF MANDAMUS DIRECTING THE RESPONDENT NO.1 TO CONSIDER THE REPRESENTATION DATED 05-02-2022 BEARING NO.JTV.JGI.BED.2022 VIDE ANNEXURE-E AND REPRESENTATION BEARING NO.JTVP/B.B.ED.J/RCR/2022 DATED 27-05-2022 VIDE ANNEXURE-F.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ

ORAL ORDER

The petitioners have sought for writ in the nature of certiorari to quash the order of respondent No.1 withdrawing the recognition in terms of Resolution No.31 at the 400th meeting of the Southern Regional Committee (SRC) of respondent No.1 held on 13th and 14th of July, 2021. The petitioners have also sought for writ in the

nature of mandamus to direct the respondent No.1 to consider the representations dated 05.02.2022 and 27.05.2022, by which they informed that all the deficiencies which were the reason for withdrawal of the recognition, were rectified.

2. The petitioners contend that they were running a college that offered Bachelor of Education with a permitted intake capacity of 100 seats in two units for the academic year 2004-2005. The petitioners contend that a notice was issued by the respondent No.1 accusing the petitioners of not furnishing a compliance report. The petitioners submitted a reply which was considered and respondent No.1 resolved at a meeting held on 13/14.07.2021 that the petitioners have failed to comply seven deficiencies and hence proceeded to withdraw the recognition granted to the petitioners.

3. The petitioners submitted a reply dated 05.02.2022 to the respondent No.1 enclosing therein certain documents to prove that they had rectified all

deficiencies and requested the respondent No.1 to continue the recognition. The petitioners contend that a further representation was made on 27.05.2022. It is claimed that these representations were not considered and therefore the petitioners are before this Court seeking for appropriate direction to not only quash the order withdrawing the recognition, but also to direct the respondent No.1 to consider the representations mentioned above.

4. Learned counsel for the petitioners contended that in similar circumstances, the Delhi High Court in W.P.No.12465/2021 had quashed the withdrawal of the recognition and therefore the petitioners are entitled to similar treatment. He further contends that the petitioners have complied with all the concerns raised by respondent No.1 and hence, the respondent No.1 is bound to reconsider the representations in accordance with law and to continue the recognition that was granted earlier.

5. Learned counsel for respondent No.1 submitted that the order of withdrawal of recognition has to be challenged in an appeal before the appellate authority of NCTE and therefore this writ petition is not maintainable.

6. He however contends that if the petitioners have already complied with all the concerns raised by respondent No.1 and if the petitioners have submitted any representations and if the petitioners are entitled for reconsideration of their representations, the same would be considered in accordance with law.

7. If the petitioners have failed to address and redress the deficiencies pointed out by respondent No.1, there is no error in respondent No.1 exercising jurisdiction to withdraw the recognition granted. However the petitioners have now submitted a representation stating that they have complied with all the deficiencies pointed out by respondent No.1. The respondent No.1 could take into consideration the fact that the petitioners have established an institution by incurring expenditure and

therefore, they cannot be perpetually deprived the permission to conduct the course. If the petitioners have complied with the deficiencies or the concerns raised by the respondent No.1, the respondent No.1 is bound to consider the representations of the petitioners in accordance with law and if need be by conducting an inspection.

8. In that view of the matter, writ petition is ***allowed in part***.

9. The impugned order withdrawing the recognition of the petitioners is upheld. However, respondent No.1 is directed to reconsider the representations of the petitioners dated 05.02.2022 and 27.05.2022.

10. In order to enable the respondent No.1 to consider the representations, the petitioners are directed to furnish a fresh set of the representations along with all the accompanying documents to respondent No.1 within a period of one month from today.

The respondent No.1 shall consider the same and dispose off the representations in accordance with law within a period of two months thereafter.

Sd/-
(R.NATARAJ)
JUDGE

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List No.: 1 Sl No.: 44
CT:SI