

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.11324 OF 2014

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the appeal filed by the petitioners in F.No.89-658/2013 Appeal/2nd meeting-2014 dated 25.02.2014 preferred against the orders of the 2nd respondent passed in F.No. SRCAPP 1158/D.EEd/AP/2012-13/44136 dated 23.07.2012 rejecting the 1st petitioner's application bearing No. SRCAPP 1158 for establishment of the 2nd petitioner college to impart education in Diploma in Elementary Education (D.El.Ed) course as arbitrary, illegal, vitiated by total non application of mind and violation of Article 19(1)(g) of the Constitution of India and for a consequential direction to the 1st respondent to grant recognition to the 2nd petitioner as sought in application No. SRCAPP 1158 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

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2. Heard Smt. G.Jhansi, learned counsel appearing for the petitioner and learned standing counsel for National Council for Teacher Education appearing for the respondents.

3. The petitioners question the order passed by the 1st respondent on 06-02-2014 confirming the order passed by the 2nd respondent on 03-07-2013, whereby their request for approval of College for commencing D.P.Ed course was rejected. The said orders are questioned in this writ petition, primarily, in view of the directions of the Hon'ble Supreme Court in Special Leave to Appeal (Civil) Nos.4247-4248 of 2009, vide order dated 10-09-2013. The said directions read as under:-

“Those who are desirous of establishing teacher education colleges/institutions shall be free to make application in accordance with the new regulations. Their applications shall be decided by the competent authority keeping in view the relevant statutory provisions. All the pending applications shall also be decided in accordance with the new regulations.

The Government of India, NCTE and the Implementation Committee shall be free to file interlocutory applications as and when any direction is required from the Court in the matter of implementation of the recommendations made by the Verma Commission and the committee constituted vide order dated 14/16.05.2013.”

4. It is not in dispute that the new regulations framed have come into force on 28-11-2014 and in terms of the aforesaid directions of the Hon’ble Supreme Court, the respondents have to consider all pending applications as per the new regulations.

5. Since the impugned orders are passed considering the petitioners’ request under old regulations, the order of the 1st respondent dated 06.02.2014 is set aside and the matter is remitted to the 1st respondent herein for fresh consideration and for passing appropriate orders, within two months from the date of receipt of copy of this order.

6. Accordingly, the writ petition is allowed. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

30th September, 2015

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