

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

W.P.No.20829 of 2015

ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“To issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent No.2 in rejecting the request of the petitioners to grant recognition with effect from the academic year, 2014-15 instead from the Academic year, 2015-16 through the decision taken in 289th meeting, dated 23-06-2015 even though the respondent No.2 itself has agreed in 273rd meeting that the application of the petitioners was inadvertently rejected and the petitioners application would be considered for the academic year 2014-15 as arbitrary, illegal, contrary to the Supreme Court orders, dated 10-05-2013 made in Writ Petition No. 22107 of 2013 and the order, dated 22-08-2013 made in WP.Nos.599/2013 and batch and violative of fundamental rights guaranteed to the petitioners under Article 14, 19 & 21 of Constitution of India and consequently direct the respondent No.2 to reconsider the request of the petitioners to grant recognition for the academic year 2014-15 in the lines of the orders passed in M.R. Bharti College of Education and National Council for Teacher Education and Another in W.P.No.221 of 2013 and also in Shanti Shikshan P. Sans and N.C.T.E. and others in W.P. No.599 of 2013 and batch”.

2. Heard Sri V.R. Reddy Kovvuri, learned counsel for the petitioners and Sri K.Ramakanth Reddy, learned Standing Counsel for Respondents 1 and 2 and the learned Government Pleader, appearing for Respondents, apart from perusing the material available on record.

3. The 1st petitioner is a society registered under the Societies Registration Act, 1860 with Registration No.164/84. The petitioner herein submitted an application in the year 2011 for recognition for starting B.Ed. course and the same was acknowledged by 2nd respondent on 3.12.2011. Subsequently, on 4.1.2012, the 2nd respondent herein issued notice to the petitioners, pointing out certain

deficiencies to be rectified. According to the petitioners, the said deficiencies were rectified by way of letter dated 28.2.2012.

4. Subsequently, the 2nd respondent issued a show cause notice in F.No.SRCAPP1316/B.Ed/AP/2011-12/40512 dated 26.4.2012 under Section 14(1) of the NCTE Act, 1993. By way of the said show cause notice, while pointing out certain deficiencies, petitioner was called upon to show cause as to why recognition should not be refused. Subsequently, the 2nd respondent herein issued an order in F.No.SRCAPP1316/B.Ed/AP/2011-12/43180 dated 27.6.2012 rejecting the request of the petitioner herein for recognition. Subsequently, the petitioner herein submitted representations to the respondents on 14.3.2014 and 6.5.2014. Thereafter, questioning the inaction in considering the said representations, the petitioner filed W.P.No.15422 of 2014 and this Court, by order dated 3.7.2014, in W.P.M.P.No.19099 of 2014 in W.P.No.15422 of 2014 granted interim direction, directing the 2nd respondent to consider the representations dated 14.3.2014 and 6.5.2014 and to pass appropriate orders on the same. According to the petitioners, thereafter the case of the petitioners was placed in the 273rd meeting of Southern Regional Committee-2nd respondent herein. The said committee, according to the material available before this Court, considered the issue and recorded the following:

1. "The institution had applied for grant of recognition to B.Ed. (SRCAPP1316) and D.Ed. courses (SRCAPP861) simultaneously on 3.10.2011.
2. The institution was informed to opt for any one course at a time as per regulations 2009 vide show cause notice dated 26.4.2014. The institution vide letter dated 21.5.2012 received by this office on 25.5.2012 had opted for Vikas Teacher Training Institute (SRCAPP1861). Accordingly, the application of the institution for B.Ed. course (SRCAPP1316) was rejected vide order dated 27.6.2012.
3. From the documents submitted by the institution for both D.Ed. and B.Ed. courses (as detailed above), it is observed that Vikas Teacher Training Institute is situated in Sy.No.1559 (1.50 acres) and Sy.No.1560 1A (0.58 acres) total 2.08 acres

and Vikas College of Education is situated in Sy.No.1560 1A (0.83 acres). They are two separate sale deeds.

4. As per records, the matter is pending before the Hon'ble Court in W.P.M.P.No.19099 of 2014 and W.P.No.15422 of 2014.

The Committee considered the matter, letter dated 10.9.2014 from the institution and letter dated 15.9.2014 from the President of the Baba Educational Society, decided that:

Our earlier decision was wrong. We have to pursue this case and consider their application for B.Ed. But in terms of the Supreme Court order we can process such cases only after notification of the new regulations. Advised Southern Regional Office to take action accordingly.”

5. Subsequently, formal recognition was granted for B.Ed. course with effect from 2015-16. The petitioner submitted a representation dated 11.3.2015 to the 2nd respondent herein, requesting for permission to go for spot admission for the academic year 2014-15. Subsequently, petitioner filed W.P.No.7302 of 2015 before this Court and on 10.4.2015, the same was withdrawn by the petitioner. Later, the petitioner herein approached the Hon'ble Apex Court by way of Writ Petition (Civil) No.187 of 2015 and batch and the said case was also permitted to be withdrawn at the request of the petitioners.

6. In the present Writ Petition, the petitioner herein is seeking a direction to the respondents herein to reconsider their request for grant of recognition for academic year 2014-15 in the lines of the orders passed by the Apex Court in M.R. BHARTI COLLEGE OF EDUCATION v. NATIONAL COUNCIL FOR TEACHER EDUCATION.

7. During the course of hearing, the learned Standing Counsel for NCTE Sri K.Ramakanth Reddy has brought to the notice of this Court the order passed by the Hon'ble Apex Court in W.P.No.599 of 2013 and batch and the Hon'ble Apex Court in the said judgment held as follows:

“2. The petitioner-Colleges/Institutions from the State of Uttar

Pradesh have been issued with formal orders of recognition for Diploma in Elementary Education (D.El.Ed.) course by the National Council for Teacher Education (for short 'the NCTE') but in the formal orders of recognition it is stated that the recognition is granted from the academic session 2014-15 and not from the academic session 2013-2014. This has been done because by the judgment of this Court dated 13th December 2012 in Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P. and ors., the cut-off date for grant of recognition by the NCTE has expired for the academic session 2013-2014. Hence, the petitioner-Colleges/Institutions have filed these writ petitions with a prayer to direct the NCTE to grant recognition from the academic session 2013-2014 instead of from 2014-2015.

3. Learned counsel appearing for the State of Uttar Pradesh Mr.M.R. Shamshad, submits on instructions, that as far as the D.El. Ed./BTC course in the State of Uttar Pradesh is concerned, the academic session for 2013-2014 has not yet commenced and it will take some time for the counselling to commence also.

4. Considering the aforesaid statement made by the learned counsel appearing for the State of Uttar Pradesh we entertain these writ petitions and direct the NCTE to issue formal orders of recognition for the D.El.Ed./BTC course from the academic session 2013-2014 onwards instead of from the academic session 2014-2015.

5. In case the affiliation is granted by the affiliating bodies, the petitioner-Colleges/Institutions will ensure that the minimum number of classes as prescribed by the NCTE are conducted by the Colleges/Institutions.

We make it clear that this order has been passed in the peculiar facts and circumstances of these cases and will not be treated as a precedent by the High Court to deviate from the time schedule fixed in the aforesaid judgment in Maa Vaishnodevi Mahila Mahavidyalaya (supra) and as modified vide order dated 18th June 2013 in I.A.No.2 in Civil Appeal No.9078 of 2012 titled Weltech College of Education & Anr. v. State of U.P. & Ors.”.

8. While referring to the above said judgment, it is the submission of the learned Standing Counsel for NCTE that the petitioner herein cannot maintain the present Writ Petition before this Court.

9. Therefore, in view of the mandate given by the Hon'ble Apex

Court, the present writ petition cannot be entertained by this Court and the request of the petitioner cannot be entertained. It is very much evident from the above said order that the Hon'ble Apex Court passed the said order as stated therein, in the peculiar facts and circumstances of the case and it is also evident from the said order that the same cannot be treated as a precedent by the High Courts to deviate from the time schedule fixed in the said judgment in *Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P. and others*.

10. In view of the above reasons, this Court does not find any merit in the present Writ Petition and accordingly, the Writ Petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: .7.2015
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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Between:

Baba Educational and Rural Development Society,
(Reg.No.164/84) Door No.3/99, Sivalingampillai Street,
Kadapa city, rep. by its Chairman Shaik Subhan Basha & another.

... Petitioners

and

The National Council for Teacher Education,
New Delhi and others.

... Respondents

