HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4004 of 2015

ORDER:

Heard.

The petitioners herein seek relief against non-consideration of their application for approval of D.P.Ed course by respondent No.2 in particular. The petitioners state that the 1st petitioner Society proposed to establish 2nd petitioner's Institution as a College of education for imparting training in D.P.Ed and B.P.Ed courses at Ippathangale village, Narayanavanam Taluq, Putur, Chittoor District. The petitioners made an application to NCTE on 27-09-2010 seeking approval for both the said courses by paying requisite processing fee and the said application was given File Code No.SRC APP 227 and 228. The petitioners, however, submit that they received communication from the 2nd respondent on 21-10-2010 and 22-10-2010 stating that as against two separate courses, the petitioners are required to opt their application to any one of the courses in terms of Regulation 8(2) of NCTE Regulation, 2009. The petitioners chose to opt B.P.Ed course, which has subsequently been granted to the petitioners under proceedings of the 2nd respondent, dated 27-08-2012 for the academic session 2012-13. In the present writ petition, the petitioners seek that their application for D.P.Ed course, which was not considered initially continues to remain pending and therefore, seeks that the said request for granting approval for D.P.Ed course be processed expeditiously. In the affidavit, the petitioners have stated that they have completed B.P.Ed. course in terms of sanction granted by the 2nd respondent for the academic years 2012-13, 2013-14 and 2014-15.

Learned Standing counsel representing respondents 1 and 2

states that in terms of Clause 8(2) of NCTE Regulations, 2009, the petitioners could not apply for two different courses and as such, they are required to select one of the courses and as per their option exercised, the petitioners request was considered for B.P.Ed. course and sanction was accorded on 27-08-2012. According to the learned Standing counsel, therefore, the other application for D.P.Ed. course does not survive, in view of the sanction granted for B.P.Ed. course and if the petitioners seek to pursue the said request for D.P.Ed. course, they have to apply afresh, which will be considered by the 2nd respondent.

It is evident from the paragraphs above that though the petitioners had initially made application seeking recognition for starting both the courses, in view of objection raised by the 2nd respondent, they selected to seek recognition for B.P.Ed. course and thereby, it cannot be said that after exercising the said option, the petitioners application for D.P.Ed. course still remains, since the said application made by the petitioners for D.P.Ed. course stands not pressed and the petitioners request was confined with consideration of their application for B.P.Ed. course, Therefore, I am unable to accept how the application of the petitioners for D.P.Ed., course can be said to be alive still for consideration.

In the circumstances, therefore, the direction sought for by the petitioners cannot be given. However, as and when the 2nd respondent notifies grant of sanction, the petitioners are at liberty to apply for D.P.Ed. course by stating that the infrastructure is already provided for the last couple of years and that approval was already granted by NCTE to the petitioners for B.P.Ed., course. If any such application is made by the petitioners, the 2nd respondent shall consider the same by giving due priority to the petitioners in view of the earlier application made by them, referred to above.

Accordingly, the writ petition is disposed of. No order as to

costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 03-03-2015
Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.4004 of 2015

03-03-2015