

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

WRIT PETITION No.33078 of 2015

ORDER:

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

“to issue writ of Mandamus to declare the action of the 2nd Respondent in rejecting the Petitioners application for grant of recognition to impart education in D.El.Ed Course, for the academic year 2016-17 vide Minutes of 291st meeting of the 2nd respondent dated 20th and 21st August, 2015, as arbitrary, illegal and consequently direct the Respondents to grant recognition to the 2nd Petitioner college by re considering the application as sought for.”

Heard Sri Y. Nagi Reddy, learned counsel for the petitioners and Sri K. Rama Kanth Reddy, learned Standing Counsel for respondents, apart from perusing the material available before this Court.

When the matter is called it is submitted by Sri K. Rama Kanth Reddy, learned Standing Counsel for National Counsel for Teacher Education that as against the impugned orders appeal lies to the 1st respondent under Section 18 of the National Counsel for Teacher Education Act, 1993 and the said provision reads as under:

“18. APPEALS:

1. *Any person aggrieved by an order made under section 14 or section 15 or section 17 of the Act may prefer an appeal to the Council within such period as may be prescribed.*
2. *No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor: Provided that an appeal may be admitted after the expiry of the period prescribed therefor, if the appellant satisfies the Council that he had sufficient cause for not preferring the appeal within the prescribed period.*
3. *Every appeal made under this section shall be made in such form and shall be accompanied by a copy of the order appealed against and by such fees as may be prescribed.*
4. *The procedure for disposing of an appeal shall be such as may be prescribed: Provided that before disallowing an*

appeal, the appellant shall be given a reasonable opportunity to represent its case.

5. *The Council may confirm or reverse the order appealed against.”*

In view of the above alternative remedy available to the petitioners this Court is not inclined to entertain the present writ petition.

For the aforesaid reasons, the writ petition is disposed of giving liberty to the petitioners herein to file an appeal under Section 18 of the National Counsel for Teacher Education Act, 1993 within a period of one week from the date of receipt of a copy of this order and if any such appeal is filed within the time stipulated the same be considered and appropriate orders be passed within a period of three (3) weeks thereafter.

Miscellaneous Petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

October 08, 2015

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