

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

WRIT PETITION No.13686 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 declaring the order dated 10.01.2014 made in F.No.89-574/2013/Appeal/17th Meeting-2103 passed by the 1st respondent herein, justifying and confirming the order of the 2nd respondent dated 28.06.2013 bearing No.SRO/SRCAPP 1723-D.El.Ed./NCTE/2012-2013/ 52509 refusing and rejecting the recognition to run D.El.Ed., course as illegal, arbitrary, capricious, unjust, unreasonable, violative of Articles 14, 19(1)(g) and 21 of the Constitution of India besides being contrary to order of the Hon'ble Supreme Court of India dated 10.09.2013 made in a petition for Special Leave to Appeal (Civil) Nos.4247-4248/2009 and consequently direct the respondents to consider the request of the petitioners for grant of recognition as sought for in terms of the new regulations.”

When the matter is taken up, Sri G.Anandam, learned counsel for the petitioners and Sri K.Ramakantha Reddy, learned Standing Counsel for respondents have submitted that the issue involved in this writ petition is squarely covered by the order of this Court in W.P.No.9954 of 2015 dated 09.04.2015 and a copy of the same is placed on record by the learned counsel for the petitioners along with the writ petition. This Court deems it appropriate to dispose of the writ petition in terms of the said order.

Petitioners question the order passed by respondent No.1 on 10.01.2014 confirming the order passed by respondent No.2 on 28.06.2013, whereby their request for approval of college for commencing D.El.ED Course was rejected. The said orders were 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, which 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.”

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 respondent has to consider the pending applications as per the new regulations.

Since the impugned order is passed considering the petitioners’ request under old regulations, the same is set aside and the matter is remitted to respondent No.1 for fresh consideration and for passing appropriate orders expeditiously. It is made clear that if respondent No.1 deems it appropriate, it is at liberty to remit the matter to respondent No.2.

The Writ petition is, accordingly, allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date : 01.06.2015

ssp

