

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF APRIL

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.16994 of 2013

BETWEEN

Vignana Bharathi Educational Society and another.

... PETITIONERS

AND

National Council for Teacher Education and another.

...RESPONDENTS

Counsel for the Petitioners: MR. Y. NAGI REDDY

Counsel for the Respondents: MR. K. RAMAKANTH REDDY

The Court made the following:

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ORDER:

Heard learned counsel for the petitioners and Mr. K. Ramakanth Reddy, learned standing counsel for the respondents.

2. Petitioner No.1 is an educational society registered under the Societies Registration Act and seeks to establish a college of education. Petitioner No.2, therefore, applied for recognition for imparting D.El.Ed course through online mode on 27.09.2011 and the physical application was furnished on 12.10.2011. Petitioner No.2 also paid the requisite deposits. The said application was, however, considered by the second respondent and rejected by order dated 23.01.2012. Petitioners preferred an appeal aggrieved by the said rejection. However, there was a delay in preferring the said appeal before the first respondent. Under the impugned order of the first respondent dated 14.01.2013, the appeal filed by the petitioners was rejected, as the appeal was delayed by 5 months 19 days beyond the prescribed time and the first respondent did not accept the cause shown by the petitioners seeking condonation. Aggrieved by the said order, this writ petition is filed.

3. It is evident from the facts above that the petitioners' initial application was in 2011 and on today, in view of the orders of respondents 1 and 2, referred to above, the said application stood rejected and does not subsist. Hence, the application of the petitioners cannot be considered, particularly, in view of the new regulations of the National Council for Teacher Education being in force. In view of that, accepting the alternative contention of the learned counsel for the petitioners, it is found that evidently, the petitioner's application was rejected long back as above and now it is not possible for reviving the application, which was already considered and rejected by NCTE.

In addition to that, since new regulations have already come into force, the petitioners cannot seek consideration of their application made under the old regulations.

4. It is also stated across the bar that NCTE has already issued notification, in view of that,

petitioners are entitled to make appropriate application, which shall be considered on its own merits.

The writ petition is disposed of permitting the petitioners to make appropriate application to the respondents in terms of new NCTE regulations, 2014 and if such an application is made by the petitioners, the same shall be considered and appropriate orders be passed by the respondent in accordance with law. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 7, 2015

DSK