

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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**W.P. No. 39467 and 39468 of 2014**

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Date of Judgment: 9.2.2015

Between:

Aacharya Educational Society and Vaibhav Educational  
Society

...Petitioners

And

The State of Andhra Pradesh and others

..Respondents

**THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR**

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**COMMON ORDER:**

Heard learned counsel for the parties

The petitioners herein are aggrieved by the orders passed by the first respondent rejecting their request for affiliation to their B.P.Ed. colleges for the academic year 2014-2015. The petitioners state that while the National Council for Teacher Education (NCTE) under its order dated 22.1.2014 granted permission for conducting

B.P.Ed course for the year academic year 2014-15, they requested the first respondent to grant affiliation to their B.P.Ed. colleges under their letter dated 20.3.2014. Since no orders were passed by the first respondent, the petitioners approached this Court by filing W.P.No. 35507 of 2014 wherein this Court issued directions to the first respondent to pass appropriate orders within three days. It is also stated that for non-compliance of the said order, suo motu contempt notice was issued on 28.11.2014. The first respondent, in the meanwhile, passed the present impugned order on 28.11.2014 rejecting the petitioners' applications for grant of affiliation on the ground that as per the report of the Commissioner and Director of School Education the petitioners have not constructed the required building and they have only eight acres of land available. Hence the affiliation was declined.

The present writ petitions are filed questioning the said order by specifically stating that the existence of building and infrastructure was verified by NCTE and that the conclusions of the first respondent are factually incorrect. It is also represented by the learned counsel for the petitioners that Rayalaseema University has also granted affiliation to one of the petitioners herein on 24.1.2015.

After taking into consideration the contentions raised by the learned counsel for the parties, I had passed an order on 26.12.2014 which is extracted below,

“Heard the learned counsel for the petitioners and Sri K.Ramakanth Reddy, learned Standing Counsel for the 4<sup>th</sup> respondent.

Learned Standing Counsel on instructions from NCTE states that the process of verification of infrastructure is already undertaken by NCTE. Therefore, it is appropriate to obtain fresh report from NCTE regarding availability of infrastructure, as the 1<sup>st</sup> respondent under impugned proceedings, dated 28-11-2014 has reported that no infrastructure is available on ground.

Hence, the 4<sup>th</sup> respondent is directed to conduct physical verification with regard to availability of infrastructure and file a report by 20-01-2015. Only after seeing the report of NCTE, further course of action can be decided, including the request of the petitioner for admission of students.

Post on 21-01-2015.”

In pursuance of the said order, physical verification was conducted by the fourth respondent and separate reports with regard to each of the petitioners were filed confirming that each of the petitioners has the required

infrastructure available and copies of reports were also furnished to the learned Government Pleader for School Education, who, on latest instructions, submits that the petitioners did not have infrastructure and there is only vacant land and copies of the photographs were also shown. I am unable to appreciate the statement made by the learned Government Pleader for School Education in view of the fact that NCTE has re-verified and confirmed the infrastructure as per the reports and in view of the fact that the petitioners-institutions are almost loosing an academic year 2014-15, I deem it appropriate to set aside the impugned orders, remit the matter to the first respondent who shall take into consideration the subsequent verification report of NCTE and pass a fresh order, within one week from the date of receipt of a copy of this order, on the applications of the petitioners for grant of affiliation and also consider their request for permitting them to admit the students for the academic year 2014-15 subject to undertaking that they shall ensure that the required academic duration of 200 days is fulfilled by them.

The writ petitions are accordingly disposed of. Miscellaneous applications, if any, shall stand closed. No order as to costs.

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VILAS V. AFZULPURKAR, J

Dt. 9.2.2015

NB:

CC of order be furnished within three days.

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