

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

Writ Petition No.16102 of 2014

ORDER:

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

"to issue any Writ or order or direction more particularly one in the nature of WRIT OF MANDAMUS by calling records, declaring the rejection order dated 15-10-2013 passed by the respondent No.1 in appeal No.F.No.89-85/2013 appeal against the orders No.SRCAPP834/ D.EL.ED/AP/2011-12/43192 dated 27-06-2012 of the respondent No.2 in refusing the recognition for conducting D.EL.ED course without following the due process of law and illegal, arbitrary, null, unconstitutional and void consequentially direct the respondent No.1 and 2 to reconsider the application filed by the petitioner for permission of D.EL.ED course under the regulations of respondent No.1 published in the Gazette on 31-8-2009 on par with the applicants for such permission vide application No.F.No. SRCAPP834/(2012-2013)/D.EL.ED/AP/2011-12 dated 26-12-2011 and may pass such other order or orders as deemed fit and proper under the circumstances of the case in the interest of justice."

-

When the matter is taken up, Sri G. Anandam, learned counsel for the petitioner and Sri K. Ramakantha Reddy, learned Standing Counsel for respondents 1 & 2 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 petitioner along with the writ petition. This Court deems it appropriate to dispose of the writ petition in terms of the said order.

Petitioner questions the order passed by respondent No.1 on 15-10-2013 confirming the order passed by respondent No.2 on 27-06-2012, whereby their request for approval of college for commencing D.EL.ED course was rejected. 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, 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 respondents have to consider the applications as per the new regulations.

Since the impugned order is passed considering the petitioner's 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 petitions, if any pending in this writ petition, shall stand closed. There shall be no order as to costs.

-

-

A.V. SESA SAI, J

Date: 30.06.2015

Isn

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

-

-

-

-

-

-

-

-

-

-

Writ Petition No.16102 of 2015

-

DATE: 30.06.2015

Isn