

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

WEDNESDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.9927 of 2015

BETWEEN

P.Janardhan Reddy Memorial Education Society and another

... PETITIONERS

AND

National Council for Teacher Education,
Rep. by its Secretary and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard learned counsel for the petitioner and Mr.Ramakant Reddy,
learned standing counsel for the respondents.

2. The order impugned in this writ petition is the one passed by the National Council for Teacher Education (NCTE) on 29.05.2014 rejecting petitioner's appeal on the ground that it is delayed by six months 23 days beyond the prescribed time. Petitioner has raised various contentions in this writ petition. However, both the learned counsel states that the matter, being covered by orders of this court in W.P.No.905 of 2015 dated 23.01.2015, is required to be reconsidered by NCTE.

3. In the present case also, petitioner's application was rejected by Southern Regional Committee, respondent No.2 on 18.05.2013 refusing to grant approval for imparting D.El.ED Course. Aggrieved by the same, petitioner preferred an appeal before respondent No.1. While the said appeal was pending, the Hon'ble Supreme Court gave directions in Special Leave to Appeal (Civil) Nos.4247-4248 of 2009, vide order, on 10.09.2013. The order impugned, however, was passed on 29.05.2014 before the new regulations came into force.

The relevant portion of the order in W.P.No.905 of 2015 is as follows:

"The said directions 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 all 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 the 1st respondent for fresh consideration and for passing appropriate orders expeditiously. It is made clear that if the 1st respondent deems it appropriate it is at liberty to remit the matter to the 2nd respondent if it considers necessary. Accordingly, the writ petition is allowed. No order as to costs. The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

4. Following the same, this writ petition also deserves to be allowed. Respondent/NCTE is directed to reconsider the petitioner's application afresh. It shall be open to NCTE to get any additional requirements fulfilled by the petitioner.

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

VILAS V. AFZULPURKAR, J

April 8, 2015

Lmv