

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.5082 OF 2015

ORDER:

Heard.

The petitioners herein seeking grant of recognition for conducting D.Ed. Course had made an application before the respondent on 24.10.2008, however, by order dated 18.04.2009 of the respondent, the said application was rejected. Questioning the said rejection, the petitioner filed W.P.No.32806 of 2010, which was disposed of by this Court vide order dated 28.02.2011 directing the respondent as follows:

“A perusal of the aforesaid order shows that it squarely covers the issue involved in the present writ petition. In that view of the matter, this writ petition is allowed, by setting aside the order, dated 18th April, 2009, passed by the 1st respondent in F.SRO/NCTE/2008-09/11826, with a direction to the 1st respondent to consider the matter afresh by applying the policy, which was in force at the time of filing of application by the petitioner. However, it is needless to observe that such consideration shall be in accordance with the Regulations which are in force, as notified by the National Council for Teacher Education.”

Pursuant to the said order, the petitioner made a further representation on 10.03.2011 requesting to consider its application. That application appears to have been considered by the respondent in their 202nd meeting dated 14-15th March, 2011 and it was decided not to grant recognition/permission to any institution in the State of Andhra Pradesh for the academic session 2009, in view of the recommendations of the Government of Andhra Pradesh. Those orders however, stated to have been not served on the petitioner. Hence, the petitioner made further representation on 28.02.2012 specifically stating that they have not received any such orders stated to have been passed on 14th-15th March, 2011. It was again followed by other representations dated 04.01.2013 and 07.01.2015. However, under the impugned order the respondent rejected the petitioner's request in its 279th meeting dated 01.02.2015 on the

ground that the institution did not respond for three years and cannot suddenly approach NCTE with the present application as it suffers from extreme inaction.

Questioning that the petitioner filed the present writ petition relying upon the further communication of the respondent, as per its 280th meeting dated 12-14th February, 2015 wherein it was stated that the petitioner can apply as and when the notification was issued inviting applications for the year 2016-17.

Learned counsel for the petitioner submits that though the cut of date for considering recognition for 2015-16 was 3rd of March, 2015, in view of the recent orders of the Hon'ble Supreme Court, it was extended upto 30th May, 2015 and prays that its application be considered for the year 2015-16 or at least for the year 2016-17.

Learned standing counsel for the respondent filed counter and also placed relevant file before the Court. However, it is relevant to note that though the order passed by the respondent in its 202nd meeting has been sent to the petitioner, but no proof of service is found.

In any case, since the respondent is reconsidering the matter, I deem it appropriate to dispose of the writ petition by directing the respondent to reconsider the petitioner's application as per new regulations in force for the recognition for the year 2015-16, if the petitioner applies afresh before cut of date fixed by the Supreme Court and in the event of petitioner's application reaches after the cut of date, the petitioner's application may be considered for the year 2016-17.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous petitions in this writ petition, if any, shall stand closed.

VILAS V.AFZULPURKAR, J

30.04.2015

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THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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DATE: 30.04.2015

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