

THE HONOURABLE MR JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2248 of 2015

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ORDER

Heard learned counsel for the petitioner and learned Government Pleader for School Education (AP). Since the order of 5th respondent is questioned in this writ petition, the other respondents are not necessary for the purpose of consideration of the matter and the order proposed to be made hereunder.

2. The petitioner college is being run by Sri Venkateswara Education Society having office at Chirala, Prakasham District. Petitioner decided to establish D.Ed College and approached the NCTE. By an order dated 11.10.2013, the petitioner's request for approval was granted by the NCTE for the academic year 2014-15 with an annual intake of 50 students subject to certain conditions, which includes of complying with the requirements made by the regulatory bodies like UGC, affiliating University/Body, the State Government etc., as applicable. After securing the said approval, the petitioner approached the State Government seeking affiliation for the said college, and in order to verify the existence of the petitioner, the State Government directed the District Educational Officer to conduct physical inspection of the petitioner's college at the place proposed by verifying the availability of infrastructure and that the Inspection report of the District Educational Officer dated 30.11.2013, was submitted to the Government confirming existence of entire infrastructure and recommended the case of

the petitioner for affiliation for the year 2014-15. However, the 5th respondent rejected the said affiliation by order dated 28.01.2015, on the ground that there is no building in the said survey number and another Education Society is running B.Ed College in the building shown by the management. It was also stated that the old foundation is found behind the building, but that land is an assigned land. The said order is questioned by the petitioner in this writ petition on various grounds including the conclusions made in the impugned order, which are factually incorrect and all the necessary infrastructure has already exists. Further ground is also raised that the petitioner College had no notice before passing of the orders by the 5th respondent and if at all, there was any doubt in the mind of the 5th respondent with regard to the infrastructure, the petitioner could as well be clarified the said aspects. Hence, the impugned order is questioned on the ground that it was passed in violation of the principles of natural justice.

3. I have heard the learned Government Pleader for School Education, who had also called for the District Educational Officer, who submitted the Inspection Report. Apparently, the District Educational Officer is now trying to disown the said Inspection Report by contending that he has not verified the survey number etc. Apparently, in view of the orders passed by the Director, the District Educational Officer is unable to contradict the said impugned order. In any case, the photographs filed by the petitioner showing the availability of infrastructure and the categorical report of inspection showing the academic

infrastructure i.e., class rooms, multipurpose room, seminar hall, resource room etc., by giving square feet size of each. Hence, it is difficult to accept that there is no infrastructure as is found under the impugned order.

4. In these circumstances and keeping in view the fact that academic year 2014-15 is likely to be lost by the petitioner, it is just and appropriate that the 5th respondent is directed to reconsider the entire matter after giving an opportunity to the petitioner so that an objective assessment of availability of infrastructure can be made.

5. Learned Government Pleader for School Education also fairly submits that in view of the contradictory reports and impugned order, it would be appropriate for the 5th respondent to reconsider and come to a conclusion after hearing the petitioner so as to resolve this controversy once for all.

6. Hence, the impugned order is set aside, and the matter is remitted back to the 5th respondent for fresh consideration. The 5th respondent shall give a notice of hearing to the petitioner and permit him to clarify their position of availability of infrastructure and then take a decision in the matter. The aforesaid exercise is necessitated to be completed expeditiously as the academic year 2014-15 can be availed of by the petitioner in the event of the Director granting the affiliation. Hence, preferably within two weeks, the entire exercise may be completed. Subject to the decision of the Director with regard to affiliation, appropriate

further directions may also be issued regarding the admission of students by the petitioner.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V. AFZULPURKAR, J

11th February, 2015

Note:

Issue CC in two days.

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