

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

WRIT PETITION No.14005 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the impugned proceedings of the southern regional committee, the respondent herein in F.No.SRCAPP33/B. Ed./AP/2013-2014/53649, dated 13.09.2013 as null and void and violation of principles of natural justice and also in violation of Article 14, 16 and contrary to the orders passed by the Hon'ble Supreme Court of India in Special Leave to Appeal (Civil) Nos.4247 and 4248/2009, dated 10.09.2013 and consequently direct the southern regional committee, the respondent herein to consider the application submitted by the first petitioner society for running the second petitioner college for B.Ed. course through online on 31.12.2012.”

When the matter is taken up, Sri Ashok Reddy Kanathala, learned counsel for the petitioners and Sri K.Ramakantha Reddy, learned Standing Counsel for respondent submit that the issue involved in this writ petition is squarely covered by the order of this Court in W.P.No.39693 of 2014 dated 24.12.2014 and a copy of the same is placed on record by the learned counsel for the petitioners along with the writ petition. This Court deems it appropriate to dispose of the writ petition in terms of the said order.

The petitioners are aggrieved by the order of rejection, dated 13.09.2013, passed by the respondent, whereby their request for approval of college for commencing D.Ed course was rejected. The said order is questioned in this writ petition, primarily, in view of 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. 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 respondent has to consider the pending applications as per the new regulations.

Since the impugned order, dated 13.09.2013, is passed considering the petitioners’ request under old regulations, the same is set aside and the matter is relegated to the respondent to examine the petitioners’ request in terms of new regulations and to pass appropriate orders.

The Writ Petition is disposed of accordingly. The miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date : 01.06.2015

ssp