

**HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

MONDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOURTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WP .Nos:40376, 40387, 40392 and 40409 of 2014

WP. NO. 40376 OF 2014:

Between:

Sneha D.Ed College, Gorutuntalapadu Village, Sethanagulavaram Post,
Tarlupadu Mandal, Prakasham District, rep. by its Secretary and
Correspondent V.S.V. Mallikarjuna Rao

..... Petitioner

AND

1. The State of A.P., rep. by its Principal Secretary School Education Department, Secretariat, Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The Director, SCERT, AP, Opp: L.B. Stadium, Hyderabad.
4. The Director Government Examinations, AP, Hyderabad.
5. The Convenor, DEECET-2013, C/o Director of School Education, Saifabad, Hyderabad.

.....Respondents

Counsel for the Petitioner : SRI P.PANDU RANGA REDDY

**Counsel for the Respondents : GP FOR SCHOOL EDUCATION
(AP)**

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of 'writ of mandamus' declaring the action of the respondents in not ratifying the admission of the students numbering 6 who were admitted under the left over vacant Convenor quota seats in the petitioner institution as being illegal, arbitrary, discriminatory and unconstitutional and in violation of the directions of this Hon'ble Court and consequently direct the respondents to forthwith approve and ratify the said admission of students numbering 6 admitted to the petitioner institution and permit them to complete their D.E1.Ed. Course without any hindrance and further direct the respondents to forthwith ratify and approve such admissions by passing appropriate proceedings.

WP .NO:40387 of 2014

Between:

1. Montessori D.Ed College, 1-48-11, APHB Colony, Tadepalligudem,

West Godavari District, rep. by its Correspondent M.L. Satyanarayana Reddy

2. Sri Venkateswara D.Ed College, Plot/Khasra No. 751 & 843/1, Garib Nagar, Atmakur Village and post, Atmakur City and Taluk, Kurnool District, rep. by its Correspondent B.G. Vasundhara
3. Vivekananda College of Elementary Teacher Education, O.V. Road, Oguru Kandukur, Prakasam District, rep. by its Correspondent G. Veera Babu
4. B.A. & K.R. College of Elementary Teacher Education, Medarametla Village, Korisapadu Mandal, Prakasam District, rep. by its Correspondent B. Koti Reddy
5. Geethanjali College of D.Ed. Sy. No. 746/B1, 747/1A3, Plot No. 5 & 6, 50 Ward Street, Kurnool City, B. Camp post, Kurnool Taluk and District, Rep. by its Correspondent P. Vijay Vardhan Reddy
6. Sarvepalli College of Elementary Education, Plot/Khasara No., Sy. No. 69/3P & 69/6P, Kalavarai Village, Kalavarai Post, Bobbili Taluk, Vizianagaram District, rep. by its Correspondent R.Suguna
7. Madhu College of Elementary Education, No. 41, P.No. 375, J.V. Palem Village & Post, S.Rayavaram Taluk, Visakhapatnam District, rep. by its Correspondent Ch. Madhu Sudhanam
8. Sai Sree College of Diploma in Education, Sy. No. 377/B2, Nehru Nagar, Plot No.7/7/12, 7/7/12A, 7/7/12B, Nehru Nagar, Dhone Village and Post, Kurnool District, rep. by its Correspondent M. Vasudha
9. Tech College of Education, Khasara No. 17/2010/A, Plot No. 613-2, Veerapuram Village, Vanganur Post, Tadipatri Taluk, Anantapur District, rep. by its Correspondent, R. Ashok Kumar Reddy,

..... Petitioners

AND

1. The State of A.P., rep. by its Principal Secretary, Primary and School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, A.P., Hyderabad.
3. The Convenor, DIETCET-2013, AP, Hyderabad.
4. The State Council of Education Research & Training, rep. by its Director Office at Basheerbagh, Hyderabad.
5. The Director of Government Examinations, the State Council of Educational Research & Training, rep. by its Director, office at Chappal Road, Nampally, Hyderabad.

.....Respondents

Counsel for the Petitioners : SRI K.GANI REDDY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION (AP)

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in raising objections to issue Hall Tickets to the students admitted in the left

over/non reporting candidates under convener quota, in the petitioner institutions as illegal, arbitrary, and violative of the fundamental rights guaranteed under the constitution and consequently ratify the admission made in the vacant Convenor quota in the petitioner institutions.

WP .NO:40392 of 2014

Between:

Mohammed Pasha D.Ed. College, Prathasathi nagar, B. Camp Post, Kallur Taluka, Kurnool City, Kurnool District, rep. by its Correspondent M. Abdul Mannan

..... Petitioner

AND

1. The State of A.P., rep. by its Principal Secretary, Primary and School Education Department, Secretariat Buildings, Hyderabad.
2. The Commissioner and Director of School Education, A.P., Hyderabad.
3. The Convenor, DIETCET-2013, AP, Hyderabad.
4. The State Council of Education Research & Training, rep. by its Director Office at Basheerbagh, Hyderabad.
5. The Director of Government Examinations, the State Council of Educational Research & Training, rep. by its Director, office at Chappal Road, Nampally, Hyderabad.

.....Respondents

Counsel for the Petitioner : SRI K.GANI REDDY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION (AP)

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.2 in raising objections to issue Hall Tickets to the students admitted in the left over/non reporting candidates under convener quota, in the petitioner institutions as illegal, arbitrary, and violative of the fundamental rights guaranteed under the constitution and consequently ratify the admission made in the vacant Convenor quota in the petitioner institutions.

WP .NO:40409 of 2014

Between:

Sri Vidyaniketan D.Ed. College, Veldurthi Village and Post, Dhone Taluk, Kurnool District, rep. by its Correspondent, Mr. G.Harnath

..... Petitioner

AND

1. The State of A.P., rep. by its Principal Secretary School Education Department, Secretariat, Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.

3. The Director, SCERT, AP, Opp: L.B. Stadium, Hyderabad.
4. The Director Government Examinations, AP, Hyderabad.
5. The Convenor, DEECET-2013, C/o Director of School Education, Saifabad, Hyderabad.

.....Respondents

Counsel for the Petitioner : SRI P.PANDU RANGA REDDY

Counsel for the Respondents : GP FOR SCHOOL EDUCATION (AP)

Petition under Article 226 of the Constitution of India, praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ order or direction more particularly one in the nature of 'writ of mandamus' declaring the action of the respondents in not ratifying the admission of the students numbering 13 who were admitted under the left over vacant Convenor quota seats in the petitioner institution as being illegal, arbitrary, discriminatory and unconstitutional and in violation of the directions of this Hon'ble Court and consequently direct the respondents to forthwith approve and ratify the said admission of students numbering 13 admitted to the petitioner institution and permit them to complete their D.E1.Ed. Course without any hindrance and further direct the respondents to forthwith ratify and approve such admissions by passing appropriate proceedings.

The Court made the following;

COMMON ORDER:

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"Heard.

It is represented that these matters are similar to WP.No.38608 of 2014 and batch wherein an interim order dated 26.12.2014 was passed with respect to students. In view of that there shall be a like order, as under:

The grievance of the petitioners in this writ petition is with regard to the respondent No.2/ Commissioner and Director of School Education not approving the admissions made by the respective petitioner institutions with respect to left over seats in terms of the interim orders of this Court in WP.No.5517 of 2014 dated 26.02.2014 and batch.

For the sake of convenience, the text of the aforesaid order is extracted hereunder:

"The petitioners have allegedly applied to the Government for clearance of management seats after up the convener's seats. In view of hardly any time left for finalizing the admission, the petitioners are permitted to make provisional admissions of

qualified candidates and those who satisfy the other criteria such as minimum attendance etc., and submit the a list to the respondents 1 to 3 by 3rd March, 2014 subject to further orders of this Court. Notice. List after one week.”

The petitioner institutions, accordingly, claim that they have made provisional admissions of qualified candidates keeping in view the aforesaid orders. It is also claimed that all the students have completed minimum attendance and have paid the examination fee and are prepared to take the examination, which is scheduled on 29.12.2014. It is, however, stated that neither admissions are approved nor the hall-tickets are issued to the students and thereby, they are likely to be deprived of opportunity to appear for the examinations.

Learned counsel for the petitioners states that since the examinations, as per the earlier schedule, were not held in October, 2014 but are being held now, all the students have completed the minimum required duration of the course and are otherwise eligible, in all respects, to appear for the examinations.

Learned Government Pleader contends that the petitioner managements have not complied with the procedure prescribed for filling up the left over seats nor the students have been able to complete the requisite attendance required in fulfilling the minimum total number of working days fixed at 220. Learned Government Pleader submits that it is on that ground that the request of the petitioner institutions is stated to have been refused by respondent No.2 by passing the order dated 04.09.2014.

However, there is nothing to show that such order was communicated to the petitioners, particularly, when the grievance of the petitioners is that no orders are being passed on their request. The correctness or otherwise of the said contention is, therefore, required to be determined at the time of final disposal. However, for the present, *prima facie*, it appears that there is no order of rejection passed and communicated to the petitioner institutions.

Keeping in view the assertion of the learned counsel for the petitioners that since all the students have requisite qualification and have fulfilled the criteria for admission, they were provisionally admitted and in view of the examinations approaching on 29.12.2014, I deem it appropriate to issue the following directions:

The students of the petitioner institutions, who were admitted on provisional basis with regard to left over seats, are permitted to appear

for the examinations scheduled on 29.12.2014 subject, however, to the condition that the result of such students shall not be declared pending further orders of this Court. The provisional admissions as well as appearance of the students for examinations, as permitted above, shall be subject to final orders which would be passed by this Court in this writ petition. Since all the students are stated to have paid the examination fee, the Director of Government Examinations, shall, therefore, take steps forthwith to upload the hall-tickets of the respective students, as referred to above, over the internet to enable the respective student to download the same and take examinations scheduled on 29.12.2014, as permitted hereinabove.

List this writ petition 'for hearing and disposal' along with WP.No.38608 of 2014 and batch on 28.01.2015."

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary, School Education Department, State of A.P., Secretariat, Buildings, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The Director, SCERT, AP, Opp: L.B. Stadium, Hyderabad.
4. The Director Government Examinations, AP, Hyderabad.
5. The Convenor, DEECET-2013, C/o Director of School Education, Saifabad, Hyderabad.
6. The Director, State Council of Education Research & Training, Office at Basheerbagh, Hyderabad.
7. The Director, Director of Government Examinations, the State Council of Educational Research & Training, office at Chappal Road, Nampally, Hyderabad. (addressees 1 to 7 BY RPAD)
8. Two CCs to G.P. for School Education, (AP), High Court Buildings, Hyderabad (OUT)
9. One CC to Sri P.Pandu Ranga Reddy, Advocate (OPUC)
10. One CC to Sri K.Gani Reddy, Advocate (OPUC)
11. One Spare Copy

HIGH COURT

AB

DRAFTED ON 29-12-2014

VVAJ

DATE: 29-12-2014

ORDER

WP. NOS. 40376, 40387, 40392 & 40409 OF 2014

DIRECTION