

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

WRIT PETITION NO.35758 OF 2015

DATED 19th NOVEMBER, 2015

Between:

Sri Sadguru Sai College of Elementary
Teachers Education and others .. Petitioners

and

The State of A.P. rep. by its
Principal Secretariat, Primary
Education Department and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.35758 OF 2015

ORDER

This writ petition is jointly filed by educations institutions and students with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble 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 respondents 2 to 4 in not issuing the Hall-Tickets and not Permitting the petitioners 4 to 8 for Examination pertaining to the petitioners 1 to 3 D.El.Ed College students who were joined in spot admissions to the left over and vacant Convener quota seats in the 2nd year DEIEd Examination held on 04-11-2015 academic year 2014-15 as being illegal, improper, unjust, and violation of the provisions of NCTE Act.1993 and Consequently direct the respondents 2 to 4 to issue Hall-Tickets to the petitioners1 to 3 Colleges for 2nd year DEIEd students and permit the petitioners 4 to 8 to the 2nd year DEIEd Examination to be held on 04-11-2015 and pass such further order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.'

It is admitted by Ms. Y.Anupama Devi, learned counsel, that the procedure for filling up vacant seats by way of spot admissions is prescribed in Rule 6 (xii) and (xiii) of the rules titled 'The Andhra Pradesh Elementary Teacher Training Institutions/District Institutes of Education and Training (Regulation of Admissions into Diploma in Elementary Education Course through Common Entrance Test) Rules, 2013', contained in G.O.Ms.No.63, Education (PE-PROGS.II) Department, dated 28.10.2013. It is also admitted by the learned counsel that spot admissions by the petitioner institutions were not made in accordance with the procedure prescribed in the aforesaid rules and that the institutions themselves made admissions without the participation of the Convener, DEECET. It is stated that such spot admissions were made by the petitioner colleges by virtue of the interim orders granted by this Court in an identical matter. Reference is made to the order dated 14.03.2014 passed by this Court in W.P.M.P.No.9348 of 2014 in W.P.No.7529 of 2014. However, the order therein was only a replication of an earlier order granted to another institution and reads as under:

'I am informed at the Bar that entertaining Writ Petition No.5517 of 2014, my learned Brother Justice Vilas V. Afzulpurkar has passed the following interlocutory order:

" The petitioners have allegedly applied to the Government for clearance of management seats after filling 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 a list to the Respondents 1 to 3 by 12th March 2014, subject to further orders of this court.

Notice.

List after one week.”

Let there be a similar order even in this case, but the petitioners shall submit a list to Respondents 1 to 3 by 18.03.2014.’

It is clear from a reading of the aforestated order that the institutions in that case were not permitted to make spot admissions afresh by virtue of the aforestated order as the extracted order of Justice Vilas V. Afzulpurkar in W.P.No.5517 of 2014 was in the context of admissions already made and which were yet to be ratified after the students so admitted had put in their attendance, as is clear from the fact that satisfaction of the minimum attendance criteria was also to be verified.

In effect, the petitioner institutions made spot admissions without following the prescribed procedure.

In this regard, reference may also be made to the common order dated 04.09.2015 rendered by this Court in W.P.No.40275 of 2014 and batch relating to educational institutions which made spot admissions in deviation of the procedure prescribed under G.O.Ms.No.63 dated 28.10.2013. Taking into account various judgments and the principles and parameters laid down therein, this Court dismissed the writ petitions.

Ms. Y.Anupama Devi, learned counsel, is unable to demonstrate before this Court as to how the petitioner institutions in the present case stand on a different footing as compared to the institutions covered by the aforestated common order.

Thus, in the light of the aforestated common order and for reasons alike as were mentioned therein, this writ petition is dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

19th NOVEMBER, 2015

Note: Issue C.C. tomorrow.

B/o Svv

