

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
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For the State of Telangana and the State of Andhra Pradesh

W.P.NO:35028 of 2013

Between:
Lakshmi College of Physical Education

.. Petitioner(s)

And

National Council for Teacher Education, New Delhi and another

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED: 12.8.2015

SUBMITTED FOR APPROVAL:

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

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| 1. Whether Reporters of Local news papers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE A.V.SESA SAI
W.P.No.35028 of 2013

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:
“to issue any Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the
action of the 1st respondent in rejecting the appeal dated 26.9.2013 F.No.89-185/2013 dated 26.9.2013 without
assigning any valid reason is arbitrary illegal and the same is liable to be set aside and consequentially direct
the 1st respondent to consider the application filed by the petitioner for recognition for the establishment of the
Physical Education Institution in due procedure and to pass such other order or orders as deem fit and proper
under the circumstances of the case.”

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When the matter is taken up, learned counsel for the petitioner and Sri K. Ramakantha Reddy, learned
Standing Counsel for respondents 1 & 2 have submitted that the issue involved in this writ petition is squarely
covered by the order of this Court in W.P.No.9954 of 2015 dated 09.04.2015 and a copy of the same is placed on
record by the learned counsel for the petitioner along with the writ petition. This Court deems it appropriate to
dispose of the writ petition in terms of the said order.

Petitioner questions the order passed by respondent No.1 on 26.9.2013 confirming the order passed by
respondent No.2 on 6.3.2013 whereby their request for approval of college for commencing D.EL.ED course was

rejected. 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, 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."

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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 respondents have to consider the applications as per the new regulations.

Since the impugned order is passed considering the petitioner's request under old regulations, the same is set aside and the matter is remitted to respondent No.1 for fresh consideration and for passing appropriate orders expeditiously. It is made clear that if respondent No.1 deems it appropriate, it is at liberty to remit the matter to respondent No.2.

The Writ Petition is, accordingly, allowed. As a sequel, the miscellaneous petitions, if any pending in this writ petition, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:12.8.2015
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THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.35028 of 2013

12.8.2015