

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.11810 of 2016

ORDER:

Heard Sri P. Pandu Ranga Reddy, learned counsel for the petitioners, and Sri K. Ramakanth Reddy, learned Standing Counsel for the National Council for Teacher Education (NCTE).

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble 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 1st respondent in rejecting the application of the petitioners seeking Additional Intake in D.El.Ed course in favour of the 2nd petitioner institution vide its Proceedings Dated 15.10.2015 in F.No.SRO/NCTE.SRCAPP14542/D.El.Ed-AI/AP/2016-17/76301 and the subsequent Proceedings at its 308th meeting of SRC held on 28-30th March, 2016, on the ground of non submission of Certified Copy of the Land Document within the stipulated time as being illegal, arbitrary, unconstitutional and set aside the said rejection orders and consequently direct the respondents to consider the Land Documents submitted by the petitioners and grant additional intake of seats in D.El.Ed course in favour of the 2nd petitioner institution and pass such further order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case.”

It appears that the application of the second petitioner college, an existing educational institution, for increase of intake of students in D.El.Ed Course was rejected by the NCTE under order dated 15.10.2015 on the sole ground that it had failed to submit a certified copy of the land document issued by the competent authority.

Sri P. Pandu Ranga Reddy, learned counsel, would submit that the said lacuna was rectified by the college by submitting the land document but the Southern Region Committee of the NCTE, in its

308th meeting held during 28th to 30th March, 2016, did not take this aspect into consideration as the case had already been rejected.

As Sri P. Pandu Ranga Reddy, learned counsel, would assert that being an existing educational institution, the case of the second petitioner college can be considered duly taking into account the land document already submitted, this Court is of the opinion that the second petitioner college cannot be found fault with for not availing the appellate remedy within the time stipulated.

As the lapse on the part of the second petitioner college was purely a technical one and as the said land document has now been submitted, the NCTE shall consider the application of the second petitioner college in its totality and take a decision as to whether it would be entitled to increase the intake of students in D.El.Ed. course for the academic year 2016-2017. In any event, the issue shall be taken up for consideration in the next Southern Region Committee meeting of the NCTE.

The writ petition is disposed of with the afore-stated directions. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

11th April, 2016

Note:-

Issue CC in two days.

B/o

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