

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

W.P.No.23311 of 2016

ORDER:

Heard counsel for the petitioner, the Government Pleader for School Education appearing for respondents 1 & 3, and Sri K.Ramakanth Reddy, Standing Counsel appearing for 5th respondent.

2. Petitioner is an Educational Institution which provides training for Telugu Pandit Programmes and has recognition of the 5th respondent. It challenges the inaction of the respondents 1 to 4 in conducting Language Pandit Common Entrance Test and seeks a direction to respondents 1 to 4 to such conduct of test.

3. Petitioner asserts that respondents 1 to 4 have to allot students to colleges such as the petitioner in convenor quota, after conducting an entrance examination and counselling pursuant to the allotment made by the 4th respondent.

4. Petitioner contends that the 5th respondent is the statutory authority to take all steps necessary for ensuring planned and coordinated development of teacher education and for determining the maintenance and standards of teacher education and that it had framed norms to establish new institutions for conducting teacher training programme and courses at teacher education.

5. It contends that the then Government of Andhra Pradesh issued G.O.Ms.No.54 Education (S.E.Trig.II) Department

dt.27.08.1999 permitting opening of New Pandit Training Colleges in the State; that it is still in force; and when the 3rd respondent sought a clarification from the 5th respondent with regard to conducting of a Language Pandit Common Entrance Test and regulation of admissions into Government/Private (Telugu/Hindu/Urdu) Pandit Training Courses, the 5th respondent vide letter dt.29.06.2015 clarified that recognition granted to Language Pandit Training Colleges will continue on terms and conditions under which recognition was granted until new norms and standards for these programmes are framed.

6. Petitioner contends that the 1st respondent issued Memo No.1965/SE-Trg/A2/2015 dt.26.10.2015 according permission to Director of School Education, Telangana, Hyderabad as well as to the 3rd respondent to conduct Language Pandit Common Entrance Test for 2015-16 by limiting examination centres to Hyderabad and Warangal as per the Rules issued in G.O.Ms.No.31 School Education (Trg) Department dt.16.10.2015, that thereafter the 2nd respondent issued proceedings dt.28.10.2015 appointing the 4th respondent as the Convenor of the Language Pandit Common Entrance Test 2015-16 to conduct the said Entrance Test and to follow the procedure for Admission Counselling prescribed for LPCET from time to time, but in spite of the said decision, the said entrance test was not conducted in 2015-16.

7. Petitioner contends that once the decision was taken by 5th respondent to conduct the entrance test for language pundit training programme, the 1st respondent has to implement its own

decision and there is no valid reason why the respondents have not acted upon the said decision.

8. The Government Pleader for School Education appearing for respondents 1 and 3 contended that the Director of School Education, Telangana State, Hyderabad had addressed a letter dt.23.11.2015 to the 5th respondent seeking laying down of new norms by it for conduct of Language Pandit Training Course and that the 5th respondent should frame such norms so that entrance test can be conducted for the said courses. She contended that the 1st respondent is awaiting 5th respondent's response to the laying of new norms for the Language Pandit Training Courses.

9. The Government Pleader for School Education has also contended that demand for language pandit courses is decreasing year after year and that even the available seats are not being filled up although 47 colleges under private management have been recognized by the 5th respondent for such courses from the year 2000 as per the NCTE Regulations framed prior to 2014. She placed on record recommendations of a Committee constituted by the Government on the Language Pandit Course. Some of the recommendations of the said Committee are:

- *In view of less demand for Language Pandit Courses limited Centers may be constituted i.e., Hyderabad and Warangal for conduct of LPCET for the Academic year 2015-16.*
- *In case of grant of Affiliations to the Colleges, inspections may be caused to verify and ensure that the conditions of Recognition and Affiliation are fulfilled by the Managements and place the proposals before the Affiliation Committee for scrutiny. The G.O. pertaining to affiliation fee i.e., G.O.Rt.No.446 Edn.SE.General II Department dt.06.08.2010 may be restored so that the Member Convener may collect the Affiliation fee*

and cause inspection and place the reports before the Affiliation Committee to accord fresh/renewal of Affiliations.

- *In view of the changed norms, duration of Teacher Training courses, eligibility etc. for the Teacher Education Programmes i.e., D.El.Ed., B.Ed., M.Ed., by the NCTE, the same needs to be examined in case of Language Pandit Training Courses (the duration of Language Pandit Courses at present is 9 months). NCTE may be requested to work out and provide norms and guidelines for conduct of Language Pandit course since as of now no such Language Pandit Training Courses are communicated by the NCTE.”*

10. The Government Pleader therefore contended that on the basis of these recommendations there was a decision taken to conduct Language Pandit Entrance Test for the year 2015-16 by limiting the examination centres to Hyderabad and Warangal through a Government Memo dt.26.10.2015, that a Convenor (4th respondent) was also appointed by proceedings dt.28.10.2015, and that the respondents 1 to 3 are awaiting framing of new NCTE norms for Language Pandit Training Courses and have already addressed the 5th respondent in that regard on 23.11.2015 and soon after such norms are finalized by the 5th respondent, a decision would be taken on the conduct of the programme.

11. Sri K.Ramakanth Reddy, Standing Counsel for 5th respondent has pointed that the 5th respondent had already constituted an Expert Committee for formulating the norms and has informed the same to the 3rd respondent. He however pointed out that any such new norms would apply only for the academic year commencing after the new norms are laid down. He therefore contended that there is no necessity for respondents 1 and 3 to await for the framing of new norms by the 5th respondent for

conduct of a Language Pandit Common Entrance Test. He referred to the letter dt.29.06.2015 addressed by the 5th respondent to the 3rd respondent wherein the 5th respondent has informed the 3rd respondent that recognition granted to Language Pandit Training Colleges is continuing and they will continue on the terms and conditions under which recognition was granted until new norms and standards for these programmes are framed.

12. From the contentions of the parties, it is clear that the 5th respondent NCTE has taken up the issue of laying down the new norms for conduct of Language Pandit Training Course and this is also clear from the material papers filed by the 3rd respondent along with the counter affidavit. This is also the stand of the 5th respondent as informed to this Court by its Standing Counsel, Sri K.Ramakanth Reddy.

13. In view of the decision of the 5th respondent as contained in its letter dt.29.06.2015 addressed to the 3rd respondent that recommendation granted to Language Pandit Training Colleges is continuing and they would continue on the terms and conditions under which recommendation was granted until new norms and standards for these programmes are framed, the respondents 1 to 4 cannot be allowed to take a stand that till such new norms are laid down, they would not conduct any Entrance Test for the Language Pandit Training Course.

14. There are admittedly 47 Colleges under private management offering Language Pandit Training course for Hindu Pandits and Telugu Pandits which are recognized by NCTE and which are in existence including the petitioner's College. Employment

opportunities for the aspiring unemployed youth would be created if such entrance test is held and they get admitted and undergo training in colleges such as the petitioner.

15. In my opinion, the reason given by the respondents 1 to 4 for not holding such entrance examination are not acceptable and their disinclination to conduct the said test is arbitrary and unreasonable.

16. In this view of the matter, this Writ Petition is allowed; the inaction of the respondents 1 to 4 in not conducting Language Pandit Common Entrance Test is declared as illegal, arbitrary and unreasonable; and a direction is issued to respondents 1 to 4 to conduct a Language Pandit Common Entrance Test for Telugu, Hindi and other languages, such as Urdu, within 6 weeks from the date of receipt of a copy of this order without awaiting for the new norms to be laid down by the 5th respondent in that regard. There shall be no order as to costs.

17. Consequently, miscellaneous petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

Date : 14.10.2016

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