

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

WRIT PETITION No.21938 of 2011

ORDER:

This writ petition is filed for the following reliefs:

"It is therefore, prayed that this Hon'ble Court may be pleased to issue writ of mandamus:

- (i) to declare that the action of respondent No.1 in issuing order *vide* proceedings No.F.SRO/NCTE/2011/27330, dated 02.03.2011, and confirming the same *vide* impugned order, dated 06.07.2011 as illegal, arbitrary, unconstitutional and set aside the same;
- (ii) to direct respondent Nos.1 and 2 to extend the recognition to the petitioner institution for the academic year 2011-2012 and for further years; and
- (iii) pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Heard Mr.N.Ashwani Kumar, learned counsel for the petitioners and Mr.K.Ramakanth Reddy, learned Standing Counsel for respondent Nos.1 and 2.

Vide order bearing No.F.SRO/NCTE/2011/27330, dated 02.03.2011, respondent No.2-Regional Director, National Council for Teacher Education had withdrawn the recognition accorded to the petitioner-institution for B.Ed. Course. Aggrieved by the said order of withdrawal, the petitioners herein preferred an appeal before respondent No.1-National Council for Teacher Education. Respondent No.1 *vide* order, dated 06.07.2011, rejected the said

appeal. The validity and the legal sustainability of the said orders passed by the primary and appellate authorities are under challenge in the present writ petition.

Mr.K.Ramakanth Reddy, learned Standing Counsel for respondent Nos.1 and 2, submits that only after duly considering the entire issue, the primary and appellate authorities rejected the request of the petitioners. Learned Standing Counsel further submits that in view of the advent of the National Council for Teacher Education Regulations, 2014 (for short 'the NCTE Regulations, 2014'), consideration of the case of the petitioners under the old Regulations is impermissible.

Evidently, the recognition was withdrawn long back by the respondents and it is not possible for reviving the same in view of the advent of the NCTE Regulations, 2014 as rightly pointed out by the learned Standing Counsel for respondent Nos.1 and 2. Since new Regulations came into existence, the petitioners cannot seek consideration of their case under the old Regulations.

In view of the same, the writ petition is disposed of permitting the petitioners to make appropriate application to the respondents in terms of the NCTE Regulations, 2014 and if any such application is made by the petitioners, the same shall be considered and appropriate orders be passed in accordance with law. It is made clear that the petitioners shall make an application within one month

from the date of receipt of this order and if no such application is made within the time stipulated, this order will not enure to the benefit of the petitioners. It is further made clear that pending consideration of the application by the respondents, the interim order, dated 16.08.2011, passed in W.P.M.P.No.26719 of 2011 shall continue to operate.

Consequently, Miscellaneous Petitions, if any pending in this writ petition shall stand disposed of. No order as to costs.

Dt: 29.11.2016.
kdl



A.V.SESHA SAI, J