

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22054 OF 2017

DATED : 26.04.2018

Between :

Sree Welfare Society,
H.No.8-154, R.K.Street,
Chilkaluripeta Village and Post
Guntur District, rep., by its Secretary,
Mr.P.Venkata Satya Prasad & others.

..

Petitioners

And

The National Council for Teacher Education (NCTE),
Southern Regional Committee, Nagarbhavi,
Bangalore, rep., by its Regional Director & Others

..

Respondents



This court made the following :

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ORDER :

The 2nd petitioner college is run by the 1st petitioner Society. It was accorded permission to run D.El.Ed programme for the academic year 2012-13. The institution was established in Obulanaidupalem Village, in Guntur District. The society resolved to change the name of institution as well as to shift the same from Obulanaidupalem Village to Kanupade village, Chintalapudi Mandal, West Godavari District. Consequent to the resolution, on 12.05.2017 an application was made to the National Council for Teacher Education (NCTE) to grant permission to change the name as well as shifting of location of institution. By proceedings dated 20.06.2017 the NCTE rejected the said request on the ground that there is no provision in the Regulations for change of management as well as shifting. Therefore, the request cannot be acceded to. The said decision is challenged in this writ petition.

2. Heard learned Senior counsel Sri Ganta Rama Rao, for the petitioners, Sri Muddu Vijay, learned Standing counsel for Respondents 1 and 2 and learned Government Pleader for Education.

3. Learned Senior Counsel would submit that there is no prohibition in the regulations governing the establishment, running of these educational institutions, regarding shifting and change of management. This fact is also accepted by the NCTE, but erroneously rejected their request. He would therefore, submit that when there is no prohibition, rejection is *ex-facie* illegal. He

would further submit that earlier similar request was made by another college and the said request was accepted. Therefore, the present rejection would amount to discrimination.

4. Learned Standing counsel representing the NCTE would submit that there is no provision in the Regulations for change of management and shifting of institution. According to learned Standing counsel as the authorization to establish institutions, shifting and change of management etc., are governed by the Regulations framed by the Council and when there is no provision in the Regulations, no such permission can be granted.

5. As fairly submitted by both counsel when there is no prohibition in the Regulations for shifting of location of institution or change of management, the request for such change of management and location could not have been rejected. More so, when the request of another institution was accepted, I do not see any justification to reject the request of the petitioners and the same would amount to arbitrary exercise of power.

6. Thus, the decision dated 20.06.2017 impugned in the writ petition is liable to be set aside and is accordingly set aside.

7. The NCTE is directed to process the application submitted by the petitioners on 12.05.2017 for according permission for change of management and shifting of location of the institution without regard to earlier objection. It is open to the NCTE to conduct inspection of the premises, where the institution is proposed to be located and if the new premises meet the requirements of Regulations of the NCTE, the same may be processed accordingly. In view of the commencement of the academic session in the next

few weeks, the entire process shall be completed by the NCTE before the commencement of the next academic session.

8. Writ Petition is accordingly allowed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

26th April, 2018
Rds

P.NAVEEN RAO,J

