

THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.9635 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

‘...to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent herein in restricting the formal recognition order dated 27-4-2017, bearing SRO/NCTE / SRCAPP201630159 / DPED / AP / 2017-2018/93093, for annual intake of 50 students (1 unit only), from the academic sessions 2017-2018, for conducting D.P.Ed programme of two years duration, in terms of decision made in 334th meeting of SRC, held between 30th and 31st March, 2017, as against the fulfilment of all the requirements for sanction of (2 units) i.e., for annual intake of 100 students, as illegal, arbitrary, unreasonable suffers from vice of discrimination, vitiated by non application of mind, violative of Articles 14 and 21 of the Constitution of India besides being contrary to the provisions of National Council for Teacher Education Act, 1993, Rules and Regulations made there under and against the Principles of Natural Justice and a direction thereon be caused to the Respondent to grant recognition to the 2nd Petitioner to impart education in the D.P.Ed Course for annual intake of one more unit by considering application of the 1st petitioner herein as sought for at least from the academic year 2018-19 onwards, and pass such other order or orders as the Hon’ble Court may deem fit and proper in the circumstances of the case and in the interest of justice.’

I have heard the submissions of Sri G. Anandam, learned counsel appearing for the petitioners, and of Sri Muddu Vijay, learned standing counsel for NCTE appearing for the respondent. I have perused the material record.

The case of the petitioners is that though the petitioners have complied with and fulfilled all the requirements for sanction of annual intake of 100 students (two units), the impugned order restricted the annual intake to 50 students from the academic sessions 2017-2018 for conducting D.P.Ed

programme of two years duration and that in that view of the matter, the impugned order, dated 27.04.2017, is unsustainable. He would further submit that though immediately after the said order a representation was made in May, 2017, the same is kept pending; and, no decision is taken on the said representation. He would also submit that since all the requirements are fulfilled for intake of one more unit, that is, in all 100 students, the said request at-least should have been considered from the academic year 2018-2019 onwards.

Learned standing counsel would submit that if the petitioners undertake to fulfil the required conditions, the representation of the petitioners for sanction of two units would be considered in an appropriate manner.

Recording the submissions, the Writ Petition is disposed of directing the respondent to consider, within a period of two (02) weeks from the date of receipt of a copy of this order, the representation of the petitioners for sanction of two units, that is, for annual intake of 100 students, as prayed for, in view of the submission that all the requirements are fulfilled and the further submission that any requirements, which are reasonable and are to be fulfilled, would be fulfilled.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M. SEETHARAMA MURTI, J

27.03.2018

Vjl