

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13020 of 2011

ORDER:

The relief sought for in this Writ Petition, filed by the petitioner society running an educational institution, is for a mandamus to declare the order of the first respondent NCTE dated 07.08.2009 in rejecting the appeal preferred by the petitioner, against the order of the Regional Director dated 08.04.2009, and confirming the order of the Regional Director withdrawing the recognition of the petitioner's B.Ed course, for the academic session 2009-2010, as illegal and arbitrary.

In the impugned order, the NCTE observed that, from the proceedings of the Kakatiya University, Warangal dated 23.01.2008, it was evident that the institution had to submit an undertaking, regarding construction and occupation of separate buildings, within three months; an undertaking to that effect was also required to be submitted by the management immediately; there was no verifiable proof submitted by the institution, that they had the requisite built up area as per NCTE norms; and, in view of the aforesaid circumstances, the Council came to the conclusion that the appeal was liable to be rejected, and the order dated 08.04.2009 confirmed.

While admitting the Writ Petition on 25.08.2011, this Court passed an interim order in WPMP No.15825 of 2011 dated 25.08.2011 permitting the petitioner to submit an application with all relevant documents showing that it had rectified all the defects pointed out in the order dated 08.04.2009 within one week; and, on receipt of such application, the 2nd respondent was directed to consider the same by

causing inspection; and take an appropriate decision, as expeditiously as possible, preferably within a period of three weeks thereafter.

As a decision, whether or not to grant recognition to the petitioner, can only be taken by the NCTE; and the direction which this Court would, ordinarily, pass is for the respondent to consider the petitioner's application in accordance with law, and as such an order has already been passed by this Court in WPMP No.15825 of 2011 dated 25.08.2011, I see no reason to pass any order different from that of the order passed earlier in WPMP No.15825 of 2011 dated 25.08.2011. Suffice it, therefore, to make the interim order the final order in the Writ Petition.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 25.01.2018

MRKR