

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal No. 1179 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 23311 of 2016 dated 14.10.2016. The 1st respondent herein filed the said Writ Petition seeking a mandamus to declare the action of appellants 1 to 4, in not conducting Language Pandit Common Entrance Test, as arbitrary, illegal and in violation of principles of natural justice. A consequential direction was sought to appellants 1 to 4 herein to conduct the Language Pandit Common Entrance Test.

Facts, to the extent necessary, are that the 1st respondent-writ petitioner is an educational institution which provides training for the Telugu Pandit Programme of nine months in duration. In terms of the Andhra Pradesh Conduct of Language Pandit Common Entrance Test for Admission into Pandit Training Course Rules, 2006 (hereinafter referred to as the "2006 Rules"), admission of students to the Telugu Language Pandit Course is to be made by way of a common entrance test to be conducted by the Convener, LPCET. The 2006 Rules were adapted by the Government of Telangana, in the exercise of its powers under Section 101 of the Andhra Pradesh Re-Organization Act, 2014, vide G.O. Ms. No. 31 dated 17.10.2015. The Government of Telangana requested the National Council for Teacher Education(NCTE), vide their letter dated 23.11.2015, to prescribe norms for Telugu/Hindi/Urdu Pandit Training Course. The NCTE, by its letter dated 15.3.2016, requested the Director, State Council for Higher Education, Research and Training to provide to the NCTE the existing

norms/syllabus/curriculum, for the said three programmes, to enable it to frame norms and notify them as part of the NCTE Regulations, 2014 (hereinafter referred to as “the Regulations”); the NCTE had already constituted an Expert Committee to formulate norms for these programmes; and the names of suitable experts, particularly for programmes of Telugu Pandit, may also be suggested so that they may be co-opted in the deliberations of the Expert Committee. On the ground that the NCTE is yet to frame norms, for admission into the Telugu Pandit Training Course, the appellants herein chose not to conduct the Common Entrance Test.

Before the learned Single Judge, the Learned Standing Counsel for the NCTE stated that the new norms, to be framed by the NCTE, would apply only for the academic year commencing after the new norms are laid down; there was no necessity for the appellants to await the framing of new norms by the NCTE for conducting a Language Pandit Common Entrance Test; the recognition granted to the 1st respondent-petitioner college was continuing, and they would continue on the terms and conditions under which recognition was granted until the new norms and standards for these programmes were framed.

In the order under appeal, the learned Single Judge noted that there were 47 colleges offering Language Pandit Training Course for Hindi and Telugu Pandits which were recognized by the NCTE and which were in existence including the 1st respondent-writ petitioner’s college; employment opportunities, for aspiring unemployed youth, would be created if such an entrance test was held, and they would get admitted and undergo training in colleges such as the 1st respondent-writ petitioner; the reason given, by appellants 1 to 4, for not holding

the entrance test was not acceptable; and their dis-inclination to conduct the said test was arbitrary and illegal. The learned Single Judge directed appellants 1 to 4 to conduct the Language Pandit Common Entrance Test for Telugu, Hindi and other Languages such as Urdu, within six weeks from the date of receipt of a copy of the order without awaiting the new norms to be laid down by the NCTE in this regard.

Learned Government Pleader for Education would submit that, while the existing Telugu Pandit Training courses offered by various private colleges is nine months in duration, the State Government, with a view to ensure excellence in educational standards, had requested the NCTE to increase the duration of the course from nine months to two years; except for Telugu, Hindi and Urdu Pandit Training Courses, all other teacher training courses are of two years duration; granting permission, for an entrance test to be conducted, would result in students undergoing the nine months course which would be of no use, since the new norms to be framed by the NCTE would result in the duration of the Language Pandit Training courses being increased to two years.

It is not in dispute that the recognition granted by the NCTE to the 1st respondent-writ petitioner continues to remain in force even as on date. The courses offered by the petitioner, and other similarly placed colleges, is for a period of nine months, and these courses have been recognized by the NCTE. While the endeavour of the State Government to improve the existing educational standards is no doubt laudable, the proposed norms, of a training course of two year duration, would come into force only on its being included in the Regulations of the NCTE. Till the matter is examined, and the Regulations are suitably

amended, by the NCTE the existing courses would continue. We must, therefore, express our inability to agree with the submission of the learned Government Pleader that, till new norms are framed by the NCTE, no Common Entrance Test should be conducted for admission of students for a nine months course.

Interference in an intra-Court appeal, under Clause 15 of the Letters Patent, would be justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal. Learned Government Pleader for Education would request this Court to, at least, extend the time to comply with the order of the learned Single Judge. Since the time stipulated by the learned Single Judge has already expired, suffice it to extend the time, stipulated by the learned Single Judge, till 15.3.2018.

Except to the limited extent indicated hereinabove the Writ Appeal fails and is, accordingly, dismissed. Miscellaneous petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

19th February, 2018

Note:
Furnish c.c. in three days.
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