

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
FRIDAY, THE TWENTY SIXTH DAY OF FEBRUARY, TWO THOUSAND AND TWENTY

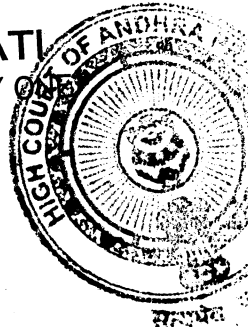
:PRESENT:

THE HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

I.A. No. 1 of 2021

IN

W.P.No. 4832 of 2021



Between:

M/s. Balaji College of Education, Rep. by it's Correspondent Dr. Raghunatha Reddy,
Anantapur Revenue Division, Near RTC Bus Stand, Neeruganti Street, Anantapur
District, Andhra Pradesh.

...Petitioner
(Petitioner in WP 4832 OF 2021
on the file of High Court)

AND

1. National Council for Teacher Education (NCTE), Southern Regional Committee,
Represented by it's Regional Director, G7, Dwaraka Sector-10, Near Metro
Station, New Delhi-11005.
2. Sri Krishnadevaraya University, Rep. by it's Registrar, Anantapur, Andhra
Pradesh.
3. The State of Andhra Pradesh, Rep. by it's Principal Secretary, Department of
Higher Education, Secretariat, Velgapudi, Amaravati.
4. Andhra Pradesh Education Common Entrance Test (APEDCET)-2020,, Rep. by it's
Convener, O/o. AP State Council of Higher Education, Mangalagiri, Andhra
Pradesh.

...Respondents
(Respondents in-do-)

Counsel for the Petitioner : SRI VENKATESWARA RAO GUDAPATI

**Counsel for the Respondent :MS LAKSHMI PRIYADARSHINI REPRESENTING
SRI K. RAMAKANTHA REDDY-SC**

Counsel for the Respondent No.2 : SRI KARIBASIAH-SC

Counsel for the Respondent No.3 : THE G.P. FOR HIGHER EDUCATION

Counsel for the Respondent No.4 : MS S. PARINEETHA-SC

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to permit the petitioner institution to intake of 100 students for B.Ed. course for the academic session 2020-21, as per the APEDCET notification issued by the 4th respondent dated 20-02-2021 by suspending the proceedings passed by the 1st respondent in it's 394th meeting held on 27-28th January, 2021, pending disposal of W.P. No. 4832 of 2021, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER :-

“Case of the petitioner is that, petitioner-institution has started B.Ed. courses in the year 2002 and the 2nd respondent has been issuing affiliation to the petitioner-institution for running B.Ed. courses, with an intake of 100 students; while so, the 1st respondent issued show cause notice dated 21.02.2019 asking the petitioner to submit documents as per the regulations of 2014 and petitioner submitted its reply on 28.03.2019 along with relevant documents; the said documents were again submitted to the 1st respondent on 25.09.2020 by hand; on 18.12.2020 another show cause notice was issued under Section 17 of the NCTE Act to submit fresh documents and they were submitted on 05.01.2021; in the meeting held by the 1st respondent on 27-28th January, 2021, it has withdrawn the permission granted to the petitioner-institution on different grounds from the original grounds shown in the show cause notice dated 21.02.2019 and final show cause notice 18.12.2020.

Learned counsel for the petitioner submits that after receiving the documents submitted by the petitioner, again recognition was rejected on the ground that the certified copy of the land documents issued by the Tahsildar/Revenue Officer are not filed, but the same is not asked for either in the notice dated 21.02.2019 or 18.12.2020; in regard to the second rejection, learned counsel for the petitioner submits that the objection is with regard to non submission of the notarized building completion certificate, the building was completed in the year 2007 and the said certificate was produced in the year 2015 after new regulations came into force in the year 2014 and only thereafter, recognition has been issued for 2016 and 2017 and the notarized affidavit has been filed stating that the building has been constructed in the year 2007. In view of the withdrawal of the recognition, the 2nd respondent did not issue yearly affiliation certificate which will enable the petitioner to admit the students for B.Ed course and the 4th respondent has not included the petitioner-institution for admissions to B.Ed course for the notification issued on 22.02.2021 for APEDCET notification; the last date of admission is 03.03.2021.

In the similar circumstances, this court in WP No.3895 of 2021 passed an interim order on 24.02.2021 observing as follows:

“Prima-facie, the withdrawal of recognition on the grounds, which were not put to the petitioner-institutions, is clearly violative of principles of natural justice”.

This Court suspended the order withdrawing the recognition granted to the petitioner therein.

Further, the following order is passed:

“Consequently, respondents 6 to 8 may consider the cases of the petitioners for inclusion of the petitioner-institutions in the EDCET-2020 counselling without reference to the orders of withdrawal of recognition issued by the 1st respondent.

In the event respondents 6 to 8 grant permission to the petitioner-institutions to participate in the EDCET-2020 counselling, it shall be made clear to the students that their admissions would be subject to the result of the writ petition.”

In the present case also, the objections which are raised in the resolution of the 1st respondent are not there in the show cause notices, which were issued to the petitioner. Petitioner did not have any opportunity to explain the same or to comply with the same.

In view of the same, respondents 1, 2 and 4 may consider the case of the petitioner for inclusion of the petitioner-institutions in the EDCET-2020 counselling without reference to the orders of withdrawal of recognition issued by the 1st respondent. In the event, respondents grant permission to the petitioner-institutions to participate in the EDCET-2020 counseling, it shall be made clear to the students that their admissions would be subject to the result of the writ petition.

Post on 16.03.2021.”

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SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR


SECTION OFFICER

for

Contd...3....

To

- 1.The Regional Director, National Council for Teacher Education (NCTE), Southern Regional Committee, Represented by it's Regional Director, G7, Dwaraka Sector-10, Near Metro Station, New Delhi-11005.
- 2.The Registrar, Sri Krishnadevaraya University, Anantapur, Andhra Pradesh.
- 3.The Principal Secretary, Department of Higher Education, State of Andhra Pradesh, Secretariat, Velgapudi, Amaravati.
- 4.The Convener, Andhra Pradesh Education Common Entrance Test (APEDCET) -2020, O/o. AP State Council of Higher Education, Mangalagiri, Andhra Pradesh.
(Addressee Nos. 1 to 4 by RPAD)
- 5.Two CCs to the G.P. for Higher Education, High Court of A.P., at Amaravati(OUT)
- 6.One CC to Sri Venkateswara Rao Gudapati, Advocate(OPUC)
- 7.One CC to Sri K. Ramakantha Reddy, Standing Counsel(OPUC)
- 8.One CC to Sri Karibasaiah, Standing Counsel(OPUC)
- 9.One CC to Ms. S. Parineetha, Standing Counsel(OPUC)
- 10.One spare copy.

TKK

HIGH COURT

KVL.J

DT.26-02-2021.

ORDER

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IN
W.P.No. 4832 of 2021

INTERIM DIRECTION

