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IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE SIXTEENTH DAY OF APRIL

TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

IA No. 1 OF 2024

IN

WP NO: 8752 OF 2024



Between:

St.Thomas College Of Education, Rep by its Correspondent Sri.
Cherukuri Devadas Prabhakara Rao Bypass Road, Tiruvuru, Krishna
District, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary
Higher Education Department, Tulluru, Secretariat Buildings
Velagapudi, Guntur District.
2. The Andhra Pradesh State Council for Higher Education, Government
of Andhra Pradesh Rep by its Secretary Neeladri Towers, 6th Battalian
Road Mangalagiri, Andhra Pradesh 522503
3. The National Council for Teacher Education Southern Regional
Committee, Rep by its Secretary G-7, Sector 10, Dwaraka New Delhi-
110075.
4. Krishna University, Rep by its Registrar Machilipatnam Kona Road,
Rudravaram, Machilipatnam, Andhra Pradesh 521003

...Respondents

Counsel for the Petitioner :SRI VIJAY MATHUKUMILLI

Counsel for the Respondent No.1 :GP FOR HIGHER EDUCATION

Counsel for the Respondent No.2 : M/s. S. PARINEETA

Counsel for the Respondent No.3 : SRI V. HEMANTH KUMAR

Counsel for the Respondent No.4 : SRI T.S.N. SUDHAKAR

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to suspend the impugned minutes of the 434th meeting of the 3rd Respondent dated 22-03-2024 to the extent of the Petitioner institution, Pending disposal of WP No. 8752 of 2024, 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:

“The present Interlocutory Application is filed seeking to suspend the impugned minutes of the 434th meeting of the 3rd respondent dated 22.03.2024 to the extent of the petitioner institution.

Heard.

The case of the petitioner is that the 3rd respondent has issued a Show Cause Notice under Section 17 of NCTE Act 1993, to the petitioner's institution on 13.04.2021, in pursuance of which the petitioner submitted requisite documents on 27.08.2021.

However, without considering the same, the final Show Cause Notice was issued on 04.02.2022, in pursuance of which the petitioner again submitted an explanation on 25.02.2022.

The main grievance of the petitioner is that the earlier Show Cause Notices were only to submit the requisite documents, in pursuance of the amendment of

the regulations. Before issuing the said Show Cause Notices, no deficiencies have been identified by the 3rd respondent herein, but however, inspite of submitting all the documents and the explanations, the 3rd respondent have passed the impugned order dated 22.03.2024, identifying six (06) deficiencies, for the first time.

On a perusal of the impugned proceedings, it can be observed that no deficiencies were identified at the time of issuance of earlier show-cause notices, but however, after identifying the deficiencies as pointed out in the impugned proceedings dated 22.03.2024, the respondents have failed to issue a show-cause notice once again calling for an explanation from the petitioner instead of straightaway withdrawing the recognition, which was granted to the petitioner in the year 2005, which in fact is in violation of principles of natural justice. It is also a fact that earlier two show-cause notices were issued by the respondents, which are referred in the order dated 22.03.2024, are only requesting the petitioner to submit requisite documents in pursuance of the amendment of the regulations, as contemplated under Section 17 of NCTE Act, 1993 but not calling for explanation for compliance of any of the deficiencies as pointed out in the impugned proceedings.

In view of the same, there shall be interim suspension of the impugned proceedings dated 22.03.2024, issued by the 3rd respondent only to the extent of the petitioner's institution."

//TRUE COPY//

For A

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary Higher Education Department, Tulluru,
Secretariat Buildings Velagapudi, Guntur District, State of Andhra Pradesh.

2. The Secretary, Andhra Pradesh State Council for Higher Education, Government of Andhra Pradesh, Neeladri Towers, 6th Battalian Road Mangalagiri, Andhra Pradesh 522503
3. The Secretary, National Council for Teacher Education Southern Regional Committee, G-7, Sector 10, Dwaraka New Delhi-110075.
4. The Registrar, Krishna University, Machilipatnam Kona Road, Rudravaram, Machilipatnam, Andhra Pradesh 521003 (Addressee Nos. 1 to 3 By RPAD)
5. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
6. One CC to M/s. S. PARINEETA Advocate [OPUC]
7. One CC to SRI V. HEMANTH KUMAR Advocate [OPUC]
8. One CC to SRI T.S.N. SUDHAKAR Advocate [OPUC]
9. Two CCs to GP FOR HIGHER EDUCATION ,High Court Of Andhra Pradesh. [OUT]
10. One spare copy

KJ



HIGH COURT

VS,J

DATED:16/04/2024

POST THE MATTER AFTER THREE (03) WEEKS, FOR FILING COUNTER

ORDER

IA No. 1 OF 2024

IN

WP NO: 8752 OF 2024

INTERIM SUSPENSION

