



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

MONDAY, THE 17th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOS: 12233 & 12256 OF 2026

WRIT PETITION NO: 12233 OF 2026

Between:

1. Batchu Rambotlu D.Ed. College, Rep by its Correspondent Sri. Batchu Sreenivasa Rao D. No. 6-786, Near Enadu Compound Naidupeta, Guntur, Guntur District, Andhra Pradesh State

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravati. 522238

2. The Commissioner and Director of School Education, Government of Andhra Pradesh Venkatadri Towers, opp. DGP Office Besides Happy Resorts Atmakur, Mangalagiri, Guntur, Andhra Pradesh 522503

3. The Chairman, DEECET-2026 and Director of School Education Amaravati, Guntur District, Andhra Pradesh.522001

4. The Convenor, DEECET-2026 and RJDSE, Regional Joint Director of School Education Guntur, Andhra Pradesh522001

...Respondents

Counsel for the Petitioner: SRI VIJAY MATHUKUMILLI

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

WRIT PETITION NO: 12256 OF 2026

Between:

1. B R COLLEGE OF EDUCATION (D.ED), Rep by its Correspondent Sri. Batchu Sreenivasa Rao Narasipatnam, Anakapalle District (Erst While Vishakapatnam District) Andhra Pradesh State -531116.

...Petitioner

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Amaravati.522238

2. The Commissioner and Director of School Education, Government of Andhra Pradesh Venkatadri Towers, opp. DGP Office Besides Happy Resorts Atmakur, Mangalagiri, Guntur, Andhra Pradesh 522503

3. The Chairman, DEECET-2026 and Director of School Education, Amaravati, Guntur District, Andhra Pradesh.522001

4. The Convenor, DEECET-2026 and RJDSE, Regional Joint Director of School Education, Guntur, Andhra Pradesh.52001

...Respondents

Counsel for the Petitioner: SRI VIJAY MATHUKUMILLI

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**WRIT PETITION NOs: 12233 & 12256 OF 2026****The Court made the following Common order:**

Heard Sri Vedula Venkata Ramana, learned Senior Counsel assisted by Sri Vijay Mathukumilli, learned counsel for the petitioners and the learned Government Pleader for School Education, appearing for the respondents.

2. The instant writ petition W.P. No.12233 of 2026 is filed challenging the proceedings of the 1st respondent in not granting renewal of affiliation to the petitioner for the academic year 2026-27.

3. The petitioner institution is an educational institution offering among other courses, diploma course in Elementary Education (D.El.Ed.). The National Council for Technical Education (for short 'NCTE') has granted necessary approvals for commencement of the said course. However in 2021, vide proceedings 05-10-2021, the NCTE has withdrawn the approval granted to the petitioner. Challenging the said proceedings, the petitioners have approached this Court. This Court vide order dated 15-11-2022 in W.P.No.7002 of 2022 had set aside the proceedings of the NCTE. The learned counsel for the petitioners contends that setting aside of the NCTE's withdrawal order of recognition restores the NCTE's approvals, including those of the state authorities. The petitioners need not again approach the State for affiliation. Despite the same, the respondent authorities did not

consider the case of the petitioner for grant of affiliation, challenging the said proceedings of the respondents denying affiliation, for the academic year 2024-25, the petitioner had filed writ petition in W.P.No.13987 of 2024 in the said writ petition, this Court passed an order on 05-07-2024 observing that:

“6. As the de-recognition/withdrawal orders were set aside by this Court by an order dated 15.11.2022, the original recognition order will automatically stands revived, 2nd respondent cannot insist for re-recognition orders. Therefore, there shall be an interim direction as prayed for, for period of (04) weeks.”

4. It is argued that despite the said directions, the respondents did not consider the case of the petitioners for grant of affiliation stating that under the provisions of Sec. 20(3)(a)(i) of the Act, the authority must be satisfied that there is a need to provide educational facilities to the people in the locality.

5. The learned counsel for the petitioners argue that the institution has been in existence since 2016 with valid recognition and approval granted by the NCTE and authority has been complying with all statutory requirements. It was contended that the withdrawal order dated 05.10.2021 was set aside by this Court in W.P.No.7002 of 2022 and, therefore, the original recognition granted by NCTE gets automatically revived. Consequently, the respondents should not insist upon a separate re-recognition order of the NCTE, similarly the need based enquiry in terms of Sec.20 of the Act is also not contemplated

under law. The learned counsel further argues that despite repeated directions issued by this Court in the earlier writ petitions, namely W.P.Nos.10366 of 2024, 13987 of 2024 and W.P.No.17579 of 2025, the respondents did not consider the case of the petitioner for granting affiliation.

6. It was further argued that the State authorities cannot sit in judgment over the validity of recognition granted by NCTE. The learned counsel further submitted that Section 20 of the A.P. Education Act has no application to renewal of affiliation of an already established institution and that the reliance placed on criterion of educational needs of the locality and seats not being filled is wholly misconceived. It was also contended that no survey or notification, as contemplated under Section 20 of the Act, was ever conducted before rejecting the petitioner's request. The learned counsel further argues that despite the interim order of this Court dated 23.06.2026, directing the respondents to permit the petitioner institution to participate in AP DEECET-2026 counseling, the respondents failed to include the institution in the counseling process. It is argued that once the inspection was conducted and the proposal was recommended by the competent authorities, the respondents should not subsequently question the viability or feasibility of the institution.

7. The learned counsel for the petitioners referring to the counter affidavit contends that the petitioner's case had already been

considered through the prescribed statutory process and recommended for renewal and the inspection report in the said regard had reported that the petitioner is eligible for renewal. Therefore the Government cannot reject the proposal contrary to the Commissioner's recommendation, and while the proposal was recommended by the Commissioner, however the counter affidavit has been filed by the Commissioner taking a contrary stand.

8. Per Contra, the learned Government Pleader for School Education appearing for the respondents submitted that under Section 17 of the NCTE Act, only the NCTE has the authority to grant, restore or withdraw the recognition, and as no restoration or fresh recognition order has been issued in favour of the petitioner, in the absence of a valid subsisting recognition from NCTE, the State authorities are legally incompetent to grant renewal of affiliation.

9. The respondents further submitted that the writ petition is not maintainable for non-joinder of NCTE, which is a necessary party to the dispute. It was argued that after this Court set aside the withdrawal orders, and the NCTE initiated fresh proceedings, issued show-cause notices and ultimately withdrew recognition only in respect of 57 institutions. However, no further orders restoring recognition were issued in favour of the petitioners.

10. It was submitted by the learned Government Pleader that repeated communications were addressed to NCTE seeking

clarification regarding the petitioner's recognition status, but no response was received. It was contended that renewal of affiliation is governed by G.O.Ms.No.18 dated 14-05-2014 and can be granted only after scrutiny by the affiliation Committee recommendation to the Government and approval by the competent authority. The respondents submitted that the Director of School Education has no independent power to grant renewal dehors the prescribed statutory procedure. It was further argued that renewal of affiliation cannot be claimed as a matter of right and depends upon compliance with the statutory framework.

11. Referring to the statistics as mentioned in the counter affidavit, the learned Government Pleader argues that a substantial number of seats in Government as well as private colleges remain vacant and, therefore, there is no educational need to grant renewal in the present case.

12. The learned Government Pleader further places reliance on the decision of the Hon'ble Supreme Court in the case of ***Government of A.P and others. v. J.B. Educational Society and others***¹, and ***Jawaharlal Nehru Technological University Registrar v. Sangam Laxmi Bai Vidyapeet and others***², to contend that the State is competent to consider educational need under Section 20 of the A.P. Education Act while deciding issues relating to affiliation. It is further

¹ 2005 Supreme (SC) 337

² (2019) 17 Supreme Court Cases 729

submitted that the petitioner's proposal was processed strictly in accordance with G.O.Ms.No.18 dated 14-05-2014 after the NCTE proceedings. And the institution had earlier suffered from infrastructural deficiencies, leading to action by the NCTE.

13. Considered the submissions.

14. Section 20 of the AP Education Act, 1982 (in short referred as 'the Act') governs the establishment of educational institutions. Section 20(1) of the Act provides that the competent authority shall, from time to time, conduct a survey to identify the educational needs of the locality under its jurisdiction and notify in the prescribed manner through local newspapers, calling for applications from the educational agencies desirous of establishing educational institutions. Section 20(2) of the Act further provides that in pursuance of the notification issued under subsection(1) any educational agency, including a local authority or a registered body of persons, intending to establish an institution imparting education may make an application in such manner and to such authority as may be notified for grant of permission. As per Section 20(3) of the Act any educational agency applying for permission under sub-section (2) shall not only satisfy the authority concerned that there is a need for providing educational facilities to the people in the locality, it should also satisfy that there has been an adequate financial provision for continued and efficient maintenance of the institution as prescribed by the authority, along with the application it should enclose copy of the

title deeds relating to the building, playground etc., and also the plans approved by the local authority. Upon filing of such an application the same shall be dealt with in accordance with the procedure provided under Section 21 of the AP Education Act. The competent authority by order, in writing grant recognition in respect of any institution imparting education or for a higher class in any such institutions permitted to be established under Section 20 subject to such conditions as may be prescribed in regard to accommodation equipment, appointment of teaching staff, syllabi, textbooks and other matters relating thereto.

15. In case of the existing institutions Proviso to Section 21 of the Act provides that in case of existing institutions under all managements, deficiency, if any, in respect of the conditions, namely accommodation, equipment, appointment of teaching staff, syllabi, textbooks and other matters relating thereto, if any, in respect of the above condition shall be made good within the time specified therefore in the order of granting registration.

16. In the earlier round of litigation, in the Writ petition filed by the petitioner against the NCTE's order of withdrawing recognition in WP No.7002 of 2022, this court had set aside the proceedings of the NCTE withdrawing the recognition and permitted the NCTE to issue fresh notices to the colleges. Upon issuance of such notice, the colleges were given liberty to submit their explanation. Accordingly, the NCTE had

issued notices, and the Colleges have submitted their explanation, and no orders pursuant to the same have been passed as far as the petitioner is concerned. Pending disposal of the said application, the petitioner approached the respondent authorities seeking affiliation. However, the said requests of the colleges were not considered by the authorities citing that unless the re-recognition applications were considered, the affiliation orders would not be issued. The petitioner has earlier filed a writ petition in WP No. 13987 of 2024. In the said writ petition, interim orders dated 07.02.2024 were passed, observing that Withdrawal orders of Recognition passed by the NCTE were set aside by the High Court, therefore, the original recognition order would automatically stand revived. Therefore, the Commissioner of School Education cannot insist on re-recognition orders from the NCTE. Despite the said directions the respondents did not consider the case for affiliation and passed the impugned orders, taking into consideration the seat-filling ratio of both government and private colleges. From the impugned proceedings, the stand of respondents can be deduced. The contention of the respondents is that the grant of affiliation for the current academic year would depend on the seat-filling ratio, and the relevant statistics of the past/previous academic years in respect of both government and private institutions, and the same would constitute a valid criterion for approval, for the current academic year, is misconceived and the same is not sustainable. The said observation of

the first respondent, in my considered view, is not sustainable and is in not in accordance with the law and procedure as contemplated under G.O.Ms.No.18 dated 14-05-2014 for the grant of renewal of affiliation. Once the State on the basis of a need-based Survey had called for applications/ granted affiliation for offering Diploma course in Elementary Education, in terms of Sec.20(1) of the Education Act, it cannot subsequently refuse affiliation for the next academic year solely on the basis of previous year statistics regarding seat-filling. Such an approach is not supported by any statutory provisions, and is in consistence with the very procedure that has been in vogue vide G.O.MS.No.18 dated 14-05-2014.

17. Thus the contention of the respondents that even for renewal of affiliation the criterion as provided under sec.20 of the AP Education Act would apply is not a tenable argument having regard to the fact that the petitioner is an existing institution having been granted recognition and affiliation by the statutory authority at the relevant point of time. Therefore the procedure provided for initial grant of affiliation, cannot without express statutory authority, automatically be imported or applied to a case of renewal of affiliation. Having regard to the same, the proceedings of the respondent No.1 dated 27-10-2025 are set aside, so also the consequential proceedings of the respondent No.2 dated 14-11-2025. The judgment of the Hon'ble Apex court in the case of ***Jawaharlal Nehru Technological University Registrar v. Sangam***

Laxmi Bai Vidyapeet and others (referred *supra*), on which the learned Government Pleader Sri G. Ramachandra Rao has placed reliance is distinguishable on facts. In the said case the issue before the Supreme Court was with regard to grant of approval/affiliation for new establishment of the educational institution(s) to offer courses in Pharmacy. Whereas in the instant case, the issue is ***renewal*** of affiliation. Having regard to the same, the matter is remanded to the respondent No.1 for passing appropriate orders for grant of affiliation in favour of the petitioners. Pending passing of such orders, the respondent No.1 is directed to allow the petitioners to participate in the ensuing / ongoing counseling process for D.El.Ed., courses for the academic year 2026-27.

18. Accordingly, the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 17-08-2026

Note: Issue CC by 19-08-2026

B/o.

MSI/MVK

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NOs: 12233 & 12256 OF 2026

Dated: 17-08-2026

Note: Issue CC by 19-08-2026

B/o.

MSI/MVK