

S U P R E M E                      C O U R T   O F   I N D I A  
R E C O R D   O F   P R O C E E D I N G S

WRIT PETITION (CIVIL) NO(s). 208 OF 2010

SAINT KABIR COLLEGE OF EDUCATION & ANR

Petitioner(s)

VERSUS

NATIONAL COUNCIL FOR TEACHER EDU.& ANR

Respondent(s)

(With appln(s) for directions)

Date: 24/05/2010                      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

For Petitioner(s)                      Mr. Sanjay Sharawat, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

In this petition filed under Article 32 of  
the Constitution of India, the petitioners have  
made the following prayer :

"(a)                      Issue a writ of certiorari and quash  
the impugned public notice dated 28.07.2009 issued  
by the Respondent No. 1 (Annexure P-1) on the  
ground of it being unconstitutional and violative  
of articles 14 and 19 of the Constitution of  
India; and

(b)                      Consequently issue a writ of  
mandamus and direct the Respondents to accept,  
process and finally decide the application sought  
to be submitted by the Petitioners with Respondent  
No. 2 on 30.10.2009 for seeking permission for  
additional intake of seats in B.Ed course from  
2010-2011 academic session and further direct them  
to grant requisite permission in this regard if  
found eligible in accordance with the NCTE  
Regulations and norms and standards."

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A perusal of the record shows that

Petitioner No.1 had challenged Annexure P-1 before  
Delhi High Court in Writ Petition (C) No 13469 of  
2009.

On 27.11.2009, an interim order was passed  
by the learned Single Judge of the High Court.

However, when the matter was taken up for hearing

on 6.5.2010, learned counsel appearing for

petitioner No. 1 before the High Court made a request that his client may be permitted to withdraw the writ petition with liberty to file petition under Article 32 of the Constitution of India.

We have heard learned counsel for the petitioners. Although, it is not possible to find out the reason which prompted the learned counsel for the petitioners to withdraw the writ petition filed before the High Court, but, we have no hesitation to observe that the present writ petition is wholly misconceived and deserves to be dismissed as such. Ordered accordingly.

However, liberty is given to the petitioners to file fresh writ petition under Article 226 of the Constitution of India before an appropriate jurisdictional High Court.

(Neetu Khajuria)  
Sr.P.A.

(Phoolan Wati Arora)  
Court Master