

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 431 OF 2013

KGN COLLEGE OF ELE. EDU.

Petitioner(s)

VERSUS

N.C.T.E & ANR.

Respondent(s)

(With office report)

WITH W.P(C) NO. 432 of 2013

[JOSEPH YUVA D.ED. COLLEGE V. N.C.T.E. & ANR.]

(With office report)

W.P(C) NO. 435 of 2013

[VIVEKANANDA COLLEGE OF EDUCATION V. NATIONAL COUNCIL FOR TEACHER EDN. & ANR.]

(With office report)

W.P(C) NO. 437 of 2013

[MJR COLLEGE OF ELE. EDU. V. N.C.T.E. & ORS.]

(With application for directions and office report)

Date: 07/08/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s)

in WP 431, 432 and 435

Mr. Sanjay Sharawat, Adv.

In WP 437

Mr. Ajit Kumar Gupta, Adv.

Mr. Praveen Chaturvedi, Adv.

For Respondent(s)

Mr. Amitesh Kumar, Adv.

Mr. Anjani Kumar Dubey, Adv.

UPON hearing counsel the Court made the following

O R D E R

WP(C) NO. 431 & 432 of 2013

Writ Petitions are allowed in terms of the signed order.

WP(C) No. 435 of 2013

Heard learned counsel for the parties.

We have been informed that against the order of the High Court dated 29th October, 2012 in Writ Petition No. 30828 of 2012 of the Andhra Pradesh High Court directing the NCTE to consider the petitioner's case for commencing of the Diploma in Elementary Education (D.EL.Ed.) Course from the academic session 2012-2013 subject to the petitioner complying with the provisions of the NCTE Regulations, the NCTE had filed Writ Appeal No. 1289 of 2013 and on account of the pendency of the said writ appeal, the case of the petitioner for recognition was kept in abeyance.

The petitioner has produced before us orders of the High Court to show that the writ petition has been withdrawn by the petitioner and the writ appeal has become infructuous. Hence the matter is no longer subjudice.

The NCTE will consider the grant of recognition to the

petitioner for the academic session 2013-2014 notwithstanding the fact that the cut off date as fixed in Maa Vaishno Devi Mahila Mahavidyalaya v. State of U.P. & Ors., has expired as we are told by the learned counsel for the petitioner that the counselling for the academic session has not even commenced as yet in the State of Andhra Pradesh.

List the matter on Wednesday, the 14th August, 2013, on which date the learned counsel will inform this Court as to whether counselling for the academic session is going on or is yet to commence.

WP(C) No. 437 of 2013

This matter be listed on 14th August, 2013 and in the meanwhile the counsel for the National Council for Teacher Education will verify as to whether defects pointed out in the impugned order do really exist.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER

[COMMON SIGNED ORDER IN WP(C) Nos. 431 and 432 OF 2013
IS PLACED ON THE FILE.]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO. 431 OF 2013

KGN COLLEGE OF ELEMENTARY EDUCATION..... PETITIONER
VERSUS

NATIONAL COUNCIL FOR
TEACHER EDUCATION & ANR. RESPONDENTS

AND
WRIT PETITION (C) NO. 432 OF 2013

JOSEPH YUVA D.ED. COLLEGE PETITIONER
VERSUS

O R D E R

We have heard learned counsel for the parties.

2. In these two writ petitions, we find that the Andhra Pradesh High Court by an order passed as far back as on 17th October, 2012 in WP Nos. 32808 of 2012 and 32817 of 2012 had directed the National Council for Teacher Education [for short 'the NCTE'] to reconsider its decision and permit the petitioner-Colleges to commence the Course from the academic session 2012-2013 instead of from the academic session 2013-2014. Though the Southern Regional Committee of the NCTE in its Meeting held on 21st/22nd November, 2012 decided to file an appeal against the aforesaid order dated 17th October, 2012, neither any appeal as yet has been filed against the said order of the High Court nor any recognition as yet has been granted to the petitioner-Colleges either from the academic session 2013-2014 or from the academic session 2014-2015.

3. In our view, instead of proceeding for initiating any action for contempt, we direct that the NCTE will forthwith issue the recognition order to the petitioner-Colleges from the academic session 2013-2014 and in any case not later than seven days from today.

4. The Writ Petitions stand disposed of. We hope that the NCTE will not repeat such patent violations of the orders passed by the High Court in future.

.....J
[A.K. PATNAIK]

.....J
[JAGDISH SINGH KHEHAR]

NEW DELHI
AUGUST 07, 2013.