

(2015) 07 AP CK 0096
In the Andhra Pradesh High Court
Case No : W.A. No. 462 of 2015

Jeremiah College of Education D.E1.Ed./D.Ed. Course	APPELLANT
Vs	
State of Andhra Pradesh and Others	RESPONDENT

Date of Decision : 23-07-2015

Acts Referred:

Constitution of India, 1950 — Article 226, 32
National Council for Teacher Education Act, 1993 — Section 13, 14, 15

Citation : (2015) 6 ALD 661

Hon'ble Judges : D.B. Bhosale, Actg. C.J. and S.V. Bhatt, J.

Bench : Division Bench

Advocate : S. Satyam Reddy for K.V. Rajasree, D. Prakash Reddy for K. Gani Reddy, A. Harija, Advocate General for Government Pleader, O. Manohar Reddy for Y. Nagi Reddy and K. Ramakanth Reddy, for the Appellant

Final Decision : Dismissed

Judgement

1. Heard Mr. S. Satyam Reddy, learned Senior Counsel for Smt. K.V. Rajasree; Mr. D. Prakash Reddy, learned Senior Counsel for Mr. K. Gani Reddy and Mr. O. Manohar Reddy, learned Counsel for Mr. Y. Nagi Reddy, learned Advocates on record for the appellants, and the learned Advocate General for the State of Andhra Pradesh and Mr. K. Ramakanth Reddy, learned Standing Counsel for National Council for Teacher Education, for the respondents. This batch of writ appeals is directed against the common order dated 15.12.2014 passed by learned Single Judge dismissing several writ petitions filed by institutions and students, for similar relief. The relief to grant approval/affiliation to the colleges run by the appellants for the academic year 2013-2014, sought in the writ petitions, is based on the recognition granted by the National Council for Teacher Education (for short "the N.C.T.E.").
2. Leading arguments were advanced by Mr. D. Prakash Reddy, learned Senior Counsel, on behalf of the appellants. At the outset, having perused the material on record with the assistance of learned Counsel appearing for both sides, we

make it clear that we are not inclined to admit the appeals and we are dismissing them summarily, at this stage.

3. In this batch of writ appeals, we are concerned with the academic year 2013-2014. Admittedly, none of the institutions, for the academic year 2013-14, had obtained recognition/approval as contemplated by Section 14 of the National Council for Teacher Education Act, 1993 (for short "the Act"). Though all institutions claim that they had applied for recognition under Section 14 of the Act, till the commencement of academic year 2013-2014, the institutions were not recognized by the N.C.T.E. Further, admittedly, none of the institutions before Court were named in the list of colleges for common admission process for the academic year 2013-14 nor the students who participated in the common admission process were allotted to these colleges. All these institutions, on their own accord sometime, in October, 2013, conducted their own admission process and admitted students in the colleges run by them and approached this Court only at the stage of final examinations for the academic year 2013-2014. The writ petitions were filed sometime in November, 2014. That apart, the institutions were not accorded either approval by the State Government or affiliation by the University for academic year 2013-2014. In view of these admitted facts and after considering several judgments of the Supreme Court, learned Single Judge, in our opinion, rightly, dismissed all the writ petitions.

4. This Court, it appears, while admitting the writ appeals on 13.3.2015, had passed the following order:

"Because of peculiar facts and considering the urgency of the matter, as we notice the date of examination has been fixed in this matter on Monday next, and having noted the earlier order of the Division Bench on identical fact, we pass the following order.

It would be open for the candidates to take examination at their own risk. Similarly, the examination which would be held by the institution concerned will be at their risk and should be subject to final orders which might be passed by this Court. We make it clear that our order should not be construed to be legalizing the examination held and examination being taken and no right and equity can be created. If it is found ultimately that there has been no affiliation, then obviously the examination which is being held and taken will be cancelled automatically.

We clarify that this order shall not be treated to be precedent and binding before any other appropriate Court."

5. Thereafter, on 12.6.2015, this Court directed not to declare results of the students until further orders.

6. In this backdrop, learned Senior Counsel appearing for the appellants submitted that the students cannot be made to suffer for the delay in granting recognition by the N.C.T.E. It was submitted that in the year 2011, all institutions

had applied for recognition under the provisions of the Act. However, the N.C.T.E. did not take prompt action to conduct inspection, as provided for under Section 13 of the Act, and granted recognition as contemplated by Section 14 thereof. He submitted that though the academic year was supposed to start in August, 2013, in fact, for the academic year 2013-2014, it started sometime in November, 2013 and in the meanwhile, recognition was accorded by the N.C.T.E. for the academic year 2014-2015. He submitted that the recognition accorded for 2014-15 to meet the ends of justice and interests of innocent students, should be treated for the year 2013-2014. He submitted that the institutions are having staff and infrastructure, as per the norms, to impart training and, therefore, refusal to allow the students to write examination for the years 2013-14 and 2014-15 is illegal.

7. On behalf of one of the institutions, Mr. O. Manohar Reddy, learned Counsel invited our attention to Section 13 of the Act and submitted that the institutions cannot be made to suffer for the delay in conducting inspection and according recognition to the institutions. It was also submitted that the delay in starting the course cannot be attributed either to the institutions or to the students, and therefore, the recognition accorded by N.C.T.E. for the academic year 2014-2015, may be treated as recognition for the academic year 2013-2014 in the interest of students already admitted by the institutions.

8. Similar arguments were advanced before learned Single Judge on behalf of the institutions and the students. In our opinion, the learned Single Judge has dealt with all the submissions in proper perspective in the light of the law laid down by the Supreme Court in various judgments. We would like to make reference to three judgments of the Supreme Court, on which, reliance is placed for rejecting all the contentions advanced on behalf of the appellants.

9. In *Adarsh Shiksha Mahavidyalaya and Others Vs. Subhash Rahangdale and Others*, , the Supreme Court, in the concluding paragraph, made certain observations. For our purpose, the following observations made in sub-paragraphs (xii) and (xviii) of Paragraph 87, are relevant, which read thus:

"(xii) No institution shall admit any student to a teacher training course or programme unless it has obtained recognition under Section 14 or permission under Section 15 , as the case may be.

(xviii) In future, the High Courts shall not entertain prayer for interim relief by unrecognized institutions and the institutions which have not been granted affiliation by the examining body and/or the students admitted by such institutions for permission to appear in the examination or for declaration of the result of examination. This would also apply to the recognized institutions if they admit students otherwise than in accordance with the procedure contained in Appendix-1 of the Regulations."

(Emphasis supplied)

10. Similarly, in *Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of U.P. and Others*, , the Supreme Court in Paragraphs 87.3 and 87.4, made the following observations, which are relevant for our purpose:

87.3. The recognition and affiliation granted as per the above Schedule shall be applicable for the current academic year. For example, recognition granted upto 3.3.2013 and affiliation granted upto 10.5.2013 shall be effective for the academic year 2013-2014, i.e., the courses starting from 1.4.2013. For the academic year 2013-14, no recognition shall be issued after 3.3.2013 and no affiliation shall be granted after 10.5.2013, any affiliation or recognition granted after the above cut off dates shall only be valid for the academic year 2014-2015.

87.4. We make it clear that no Authority/person/Council/Committee shall be entitled to vary the Schedule for any reason whatsoever. Any non-compliance shall amount to violating the orders of the Court.

11. Our attention was also invited to the judgment of the Supreme Court in *N.M. Nageshwaramma and Others Vs. State of Andhra Pradesh and Another*, , wherein, almost, similar submissions were advanced. The Supreme Court dealt with those submissions in the following manner:

"One of the writ petitions before us (Writ Petition No. 12697 of 1985) was filed by a student claiming to have undergone training in one of the privately managed institutes. It was argued that the students of the institute in which she had undergone training were permitted in previous years to appear at the Government examination and as in previous years she may be allowed to appear at the examination this year. A similar request was made by Shri Garg that the students who have undergone training for the one year course in these private institutions may be allowed to appear at the examination notwithstanding the fact that permission might not be accorded to them. We are unable to accede to these requests. These institutions were established and the students were admitted into these institutes despite a series of press notes issued by the Government. If by a fiat of the Court we direct the Government to permit them to appear at the examination we will practically be encouraging and condoning the establishment of unauthorised institutions. It is not appropriate that the jurisdiction of the Court either under Article 32 of the Constitution or Article 226 should be frittered away for such a purpose. The Teachers Training Institutes are meant to teach children of impressionable age and we cannot let loose on the innocent and unwary children, teachers who have not received proper and adequate training. True they will be required to pass the examination but that may not be enough. Training for a certain minimum period in a properly organised and equipped Training Institute is probably essential before a teacher may be duly launched. We have no hesitation in dismissing the writ petitions with costs."

(Emphasis supplied)

12. Apart from the fact that the order of the learned Single Judge cannot be

faulted on any ground whatsoever, complete reply to the arguments advanced by learned Counsel for the parties, finds place in the aforementioned three judgments of the Supreme Court. In the circumstances, all the writ appeals are dismissed.

13. We observe that if the students who are admitted for the academic year 2013-14 without approval, approach the concerned institutions for refund of fees/incidental charges paid by them for admission etc., the management of the institutions shall refund the entire fees/incidental charges, collected by them from the students with interest at 6% per annum within three months from the date request for refund is made. Consequently, pending miscellaneous applications shall also stand closed. No costs.