

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 11672 of 2009

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Date of order: 31.12.2010

Between:

Sita Prasad Memorial Educational Society,
Vijayawada

...Petitioner

and

The National Council for the Teacher's Education
and another

..Respondents

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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W.P. NO. 11672 of 2009

ORDER:

This writ petition is filed for the following relief,

“.....to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring order of the 1st respondent in F.SRO/NCTE/2009-10/12085 dt nil(Singed on 27-4-2009) in returning/permission for the establishment of Sita Prasad College of Education at Jaggayyapeta, Krishna District by the petitioner society as illegal, arbitrary contray to the provisions of NCTE Act Regulations made thereunder and violative of Article 14,19(1) (g) and 21 of the Constitution of India and consequently direct the 1st respondent to grant recognition to said College for the academic year 2009-10 onwards and pass such other order or orders.....”

No counters are filed by the respondents, but it is brought to my notice that in similar circumstances, this Court had disposed of W.P.No. 6712 of 2009 by order dated 16.12.2009 as well as W.P.No. 11038 of 2009 and batch, dated 1.6.2010 whereby all the writ petitions were disposed of in terms of order passed in W.P.No. 6712 of 2009 referred to above. Since the facts and circumstances of this case are also similar, this writ petition shall stand disposed of and there shall be a similar direction as mentioned below,

“It may be true that the State Government as well as the first respondent have reviewed the situation as to the necessity or otherwise of according permission to establish new colleges of education in the State in future and that the existing institutions are found to be adequate. However, the right that is accrued to the petitioners on the basis of their application and the consideration thereof by the first respondent cannot be taken away on account of the change of policy. It is settled principle of law that whenever an application is made, it must be considered and processed in accordance with the provisions of law or the policy that existed as on the date of presentation. Subsequent changes may apply to the applications that are made thereafter.”

Hence, the Writ Petition is disposed of directing the first respondent to take necessary steps as contemplated in its communication dated 24-11-2009 and pass appropriate orders. There shall be no order as to costs”.

In view of the same, this writ petition is disposed of directing the respondents to consider the application of

the petitioner and pass appropriate orders in accordance with law. No costs.

VILAS V. AFZULPURKAR, J

Dt. 31.12.2010
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