



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE EIGHTEENTH DAY OF MAY, TWO THOUSAND AND TWENTY ONE**

**:PRESENT:
THE HONOURABLE SRI JUSTICE C.PRAVEEN KUMAR**

WRIT PETITION NO: 9840 OF 2021

Between:

1. Andhra Evangelical Luthern Church, rep by its president K.F. Parades Babu, aged 61 years, Post Box no. 205, Brodipet, Guntur
2. Taralupadu college of education, rep by its secretary and correspondent A. Jacob John Krupakar S/o Rajender Rao, aged about 44 yrs, Occ Correspondent H.No. 7-27/B Christian Palem, Tharulupadu, Prakasam, AP

Petitioners

AND

1. Regional Director, southern regional committee national council for Teacher Education (NCTE) office G-7 Sector -10 (NewSector-10 Metro Station), Dwaraka, New delhi.
2. State of Andhra Pradesh, Rep. by its Principal Secretary Higher Education Department, A.P. Secretariat Velagapudi, Amaravathi, Guntur District
3. The Andhra Pradesh State Council for Higher Education,, Tadepalli, Guntur District, A.P.
4. Acharya Nagarjuna University, Rep. by its Registrar, Nagarjunanagar-522510 Guntur District, A.P.

Respondents

WHEREAS the Petitioners above named through their Advocate Sri K. Gani Reddy, presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the orders passed by the 1st respondent in Ref.No.F.SRO/NCTE/APS00560/B.Ed./{AP}/2020/21284 dated 18-12-2020 in pursuance of the Resolution passed in its 392nd meeting of the Southern Regional Committee (SRC), National Council for Teacher Education held on 15th - 16th December 2020 through virtual Tele Conferencing at the Conference Hall, SRC, NCTDE, New Delhi withdrawing the recognition granted to the petitioner Institution with effect from next academic session under clause 17(1) of NCTE Act 1993 as illegal, arbitrary and violative of Articles 14, 19 (1)(g) and 21 of the Constitution of India apart from violative of the procedure contemplated under the National Council for Teacher Education Act, 1993 (73 of 1993) and Regulations made there under and set aside the same and consequently direct the 1st respondent to restore the recognition and issue continuation orders in favour of the petitioners institutions and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Sitharam Chaparla, counsel representing Sri K. Gani Reddy, Advocate for the Petitioner and of Sri N.Harinath, Assistant Solicitor General, High Court of A.P., representing Respondent No.1 and GP for Higher Education for respondent No. 2, Ms.SParineetha, Advocate, for Respondent No. 3 and Sri Rambabu Koppineedu, Advocate, for respondent No. 4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:-

1. The Regional Director, southern regional committee national council for Teacher Education (NCTE) office G-7 Sector -10 (New Sector-10 Metro Station), Dwaraka, New delhi.
2. The Principal Secretary Higher Education Department, State of Andhra Pradesh, A.P.Secretariat Velagapudi, Amaravathi, Guntur District
3. The Andhra Pradesh State Council for Higher Education,, Tadepalli, Guntur District, A.P.
4. The Registrar, Acharya Nagarjuna University,, Nagarjunanagar-522510 Guntur District, A.P.

are directed to show cause as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent no 3 to include the names of the petitioners college in EDCET 2020 counseling based on the recognition orders already submitted by the petitioners colleges which are in subsistence for the academic session 2020-21, pending disposal of WP No. 9840 of 2021, on the file of the High Court.

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders issued by the 1st respondent in ref. No.F.SRO/NCTE/APS00560/B.Ed./(AP)/2020/21284 dated 18/12/2020 in pursuance of the resolution passed in its 392nd meeting of the southern regional committee(SRC) National Council for Teacher Education held on 15th-16th December 2020 through virtual tele conferencing at the conference hall, SRC, NCTE, New Delhi, withdrawing the recognition granted to the petitioners institution with effect from next academic session under clause 17(1) of NCTE Act, 1993, pending disposal of WP No. 9840 of 2021, on the file of the High Court.

The Court made the following: ORDER

“Notice before admission.

Heard Sri Sitharam Chaparla, learned counsel representing Sri K. Gani Reddy, learned counsel. Also heard Sri N. Harinath, learned Assistant Solicitor General, who takes notice for the 1st respondent.

Learned Government Pleader for Higher Education takes notice on behalf of the 2nd respondent. Ms. S. Parineetha, learned counsel, takes notice on behalf of the 3rd respondent, Sri Rambabu Koppineedu, learned counsel, takes notice on behalf of the 4th respondent.

A perusal of the material placed before the Court would show that the contents of the show cause notice issued to the 2nd petitioner and the and the contents of the order impugned are at variance. In other words, the impugned order came be to be passed not on grounds or issues communicated to the 2nd petitioner in the show cause notice but on some other grounds. Similar issue came up for consideration before this Court in W.P.No.3895 of 2021 wherein this Court, by an interim order dated 24.02.2021, while suspending the impugned orders therein, directed the respondents 6 to 8 therein to consider the case of the petitioners therein for inclusion of the petitioner institutions in EDCET-2020 counselling without reference to the orders of withdrawal of recognition issued by the 1st respondent. It was further observed that in the event respondents 6 to 8 permit the petitioner-institutions to participate in EDCET-2020 counselling, it shall be made clear to the students that their admissions would be subject to the result of the writ petition.

Since the case on hand is analogous to the above case, the impugned order bearing Ref.No.F.SRO/NCTE/APS00560/B.Ed/A.P/2020/ 21284 dated 18.12.2020 is suspended. Consequently, respondents 2 to 4 are directed to consider the case of the petitioners for their inclusion in the EDCET-2020 counselling without reference to the orders of withdrawal of recognition issued by the 1st respondent.

In the event respondents 2 to 4 grant permission to the petitioners to participate in the EDCET-2020 counselling, it shall be made clear to the students that their admissions would be subject to the result of the writ petition."

SD/- B.CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Regional Director, Southern Regional Committee National Council for Teacher Education (NCTE) office G-7 Sector -10 (New Sector-10 Metro Station), Dwaraka, New Delhi. **(by RPAD- along with a copy of petition and memorandum of grounds)**
2. The Principal Secretary, Higher Education Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District **(by RPAD- along with a copy of petition and memorandum of grounds)**
3. The Andhra Pradesh State Council for Higher Education,, Tadepalli, Guntur District, A.P. **(by RPAD- along with a copy of petition and memorandum of grounds)**
4. The Registrar, Acharya Nagarjuna University, Nagarjunanagar-522510 Guntur District, A.P. **(by RPAD- along with a copy of petition and memorandum of grounds)**
5. One CC to SRI. K GANI REDDY Advocate [OPUC]
6. One CC to Sri N.Harinath, Assistant Solicitor General, High Court of A.P [OUT]
7. Two CC's to GP for Higher Education, High Court of A.P. at Amaravati. [OUT]
8. One CC to Ms. S. Parineetha, Advocate [OUT]
9. One CC to Sri Rambabu Koppineedu, Advocate [OUT]
10. One spare copy

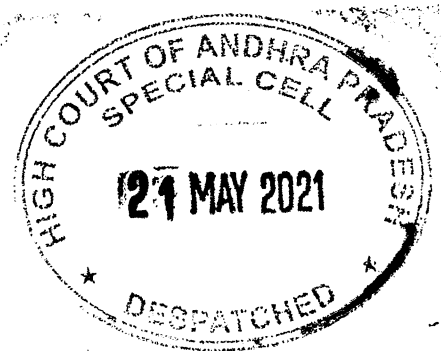
MSR

HIGH COURT

CPKJ

DATED:18/05/2021

NOTICE BEFORE ADMISSION



WP.No.9840 of 2021

INTERIM SUSPENSION