



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3330]

**TUESDAY ,THE SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 8319/2023**

Between:

Ashok Kumar Reddy Elementary Teacher ...PETITIONER(S)
Education (d.ei.e.d) College and Others

AND

The State Of Ap and Others ...RESPONDENT(S)

Counsel for the Petitioner(S):

1.Y ANUPAMA DEVI

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION

2.VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT
COUNSEL)

WRIT PETITION NO: 4306/2023

Between:

Ashok Kumar Reddy Elementary Teacher ...PETITIONER(S)
Education (d.ei.e.d) College and Others

AND

The State Of Andhra Pradesh and Others ...RESPONDENT(S)

Counsel for the Petitioner(S):

1.Y ANUPAMA DEVI

Counsel for the Respondent(S):

1.GP FOR SCHOOL EDUCATION

2.VENNA HEMANTH KUMAR(CENTRAL GOVERNMENT
COUNSEL)

The Court made the following:

COMMON ORDER:-

Since the issue involved in these writ petitions is one and the same, both writ petitions are heard together and disposed of by way of this common order.

2. W.P.No.8319 of 2023 is filed under Article 226 of Constitution of India for the following relief/s:-

“...pleased to issue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents issued Withdrawal Order by F.SRC/NCTE/57/D.El.ed., /A.P/2023/141531.Dated 27-3-2023 issued by the 2nd respondent withdraw the recognition granted to 57 Colleges which have not submitted reply to Final Show Cause Notice for conducting D.El.Ed., & D.El.Ed-A1 programme of two years duration as being illegal, arbitrary, discriminatory and unconstitutional and consequently to suspend the operation of the Withdrawal Order F.SRC/NCTE/57/D.El.Ed.,/A.P /2023/141531 Dated 27-3-2023 by permit the petitioner D.El.Ed Colleges to implead in the DEECet 2023-2024 Counseling List for running the DEIEd Course for the academic session 2023-2024 and pass such other order or orders...”

3. W.P.No.4306 of 2023 is filed under Article 226 of Constitution of India for the following relief/s:-

“...pleased to issue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents issued show cause notice under Section 17 of the NCTE Act after lapse of 3 years to direct the petitioners submit latest staff list duly approved by the Director, SCERT, Government of Andhra Pradesh and showing disbursement of salary through bank Account to faculty

under 8(g) and performance of Staff Aprisal Report for the academic year 2020-2021 under Clause (h) when the petitioner Colleges were Closed as per De-Recognition orders issued by the 2nd respondent as being illegal, arbitrary, discriminatory and unconstitutional and consequently direct the respondents to grant time for submission of Staff approval List and Staff Aprisal Report to the 2nd respondent under Clause 8(g)(h) of Show cause Notice F.SRC/NCTE/68/D.EL.Ed.,/AP/2022 dated 16-1-2023 and pass such other order or orders....”

4. Heard learned counsel for the petitioners and learned counsel for the respondents.

5. The learned counsel for the respondents filed their counter affidavit and contended that show-cause notice was issued calling for explanation from the petitioners, within a period of four (04) weeks, but the petitioners without offering any such explanation to the respondents, approached this Court by way of these writ petitions. The learned counsel further contended that alternative remedy is available to the petitioners by way of Appeal provided under Section 18 of the National Council for Teacher Education Act, 1993 (for short “NCTE Act”). The petitioners have not made out any case regarding violation of principles of natural justice to entertain these writ petitions. Hence, prayed to dismiss these writ petitions.

6. On perusal of the record and after hearing both sides, this Court is inclined to dispose of these writ petitions directing the petitioners herein to submit their explanations to the show-cause notice issued on 16.01.2023, within a period of four (04) weeks from today and the respondent-authorities shall treat that explanations as an Appeal filed under Section 18 of NCTE Act and dispose of the said Appeal, in accordance with law, by giving due opportunity of hearing to the petitioners, within a period of eight (08) weeks therefrom and communicate the said order to the petitioners herein.

7. Accordingly, these Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHARA RAO

Date:02.07.2024

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHARA RAO

WRIT PETITION Nos.8319 and 4306 of 2023

Date:02.07.2024

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