

(2005) 09 MAD CK 0107

Madras High Court

Case No: Writ Petition No"s. 876 and 877 of 2005

Shanmugha Arts, Science,
Technology and Research
Academy (SASTRA)

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision: Sept. 19, 2005

Acts Referred:

- All India Council for Technical Education Act, 1987 - Section 10
- Constitution of India, 1950 - Article 226
- National Council for Teacher Education Act, 1993 - Section 14, 14(5), 15, 17, 17(4)
- University Grants Commission Act, 1956 - Section 2, 22, 22(3), 3

Citation: (2006) WritLR 287

Hon'ble Judges: P.K. Misra, J

Bench: Single Bench

Advocate: G. Rajagopalan, for G.R. Associates, for the Appellant; S. Udayakumar, SCGSC for Respondents 2 to 4 and S. Gomathinayagam, Special Govt. Pleader for Respondent 5, for the Respondent

Final Decision: Dismissed

Judgement

P.K. Misra,J.

1. In both the writ petitions, the petitioner is Shanmugha Arts, Science, Technology & Research Academy (in short, SASTRA), which is a deemed University, and the first respondent is Union of India, the second respondent is the University Grants Commission (in short UGC), the third respondent is the National Council for Teacher Education (NCTE in short), fourth respondent is the Southern Regional Committee(SRC in short) for National Council for Teacher Education and fifth respondent is the State of Tamil Nadu. The question involved being inter-connected, both the writ petitions were heard together and shall be governed by the common

judgment.

2. The basic allegations are as follows :-

Initially the petitioner was known as Shanmugha College of Engineering and was administered by Balaseva Educational and Charitable Trust. The said college was affiliated to Bharathidasan University and was approved by All India Council for Technical Education (AICTE in short). Subsequently, the said college was considered to be a deemed University as per the notification dated 26.4.2001 u/s 3 of the University Grants Commission Act, 1956 (hereinafter referred to as "the UGC Act"). The petitioner decided to start innovative programmes and start a new course known as B.Ed. (Vocational) for B. Tech students. It made an application to the fourth respondent during the academic year 2002-2003. Fourth respondent by communication dated 26.2.2002 informed the petitioner that No Objection Certificate is required from the State Government and application fee of Rs.5000/- is to be paid. The petitioner informed the third respondent that as the course sought to be introduced was an innovative course, the condition relating to State Government's approval may be waived. The required application fee of Rs.5000/- was however deposited. Fourth respondent informed the petitioner that the application for the academic year 2002-03 was rejected as the required application fee has not been paid and the petitioner could resubmit the application before 31.12.2003 for the academic year 2003-2004. The application fee of Rs.5000/- was also refunded. In the meanwhile the petitioner had filed a fresh application on 16.12.2002 for three courses, namely, M.Sc., B.Ed., Bio-technology, Computer Science and Mathematics which are five years integrated programme. The fourth respondent by proceedings dated 17.1.2003 indicated that No Objection Certificate was required from the State Government and the application should be filed with such No Objection Certificate before the end of March, 2003 for the next academic year. According to the petitioner, such rejection was invalid as the Regulations of NCTE indicate that when application is made by the University Department for an innovative course, No Objection Certificate from the State Government is not required. The fourth respondent also returned the deposit made by the petitioner. The petitioner wrote to the NCTE requesting for waiver of No Objection Certificate. However, the Chairman of the NCTE sent a communication dated 4.2.2003 that No Objection Certificate is an essential requirement. The petitioner, as a matter of abundant caution, made an application to the State Government seeking for No Objection Certificate by letter dated 10.2.2003 and thereafter made further representations to the third and fourth respondents. The fourth respondent sent communication dated 26.3.2003 to the following effect :-
"... SRC has considered your representation dt. 14.2.2003 along with the note attached therewith in its 58th meeting. Upon consideration of the matter in detail, SRC has decided that NCTE regulations pertaining to admissions and duration of course do not permit for such an integrated programme that has been proposed by

your institute and hence your proposal stands rejected."

Subsequently, the petitioner filed another representation before the Chairperson, NCTE, who forwarded the same to the fourth respondent. By proceedings dated 28.4.2003, the fourth respondent requested the petitioner to inform as to whether five year M. Sc., B.Ed., had been instituted and also sought for other details regarding curriculum. The petitioner thereafter complied with such request. The State Government in the meantime by letter dated 24.4.2003 requested for certain details and fixed the date of inspection as 15.5.2003. The petitioner communicated the State Government on 5.5.2003 that the programme being an innovative programme, the requirement relating to inspection fees and Endowment Deposit should be waived in view of item-6 of clause 7 of the Regulations of NCTE. Subsequently, there was no further communication from the State Government. Thereafter the fourth respondent sent a communication on 13.6.2003 stating that the fourth respondent would take up the matter in the meeting dated 17.7.2003 and the representative of the petitioner may remain present. In course of such meeting, the fourth respondent made certain suggestions regarding M.Sc., B.Ed., (Mathematics) and accordingly by letter dated 15.9.2003 the petitioner sent a revised proposal for the said course. However, in respect of two other courses, namely, M.Sc., B.Ed. Computer Science and Bio-Technology, no such details had been sought for by the fourth respondent. Since no further communication was received, the petitioner sent another representation to the third respondent as well as to the first respondent. The third respondent by proceedings dated 8.10.2003 communicated that since the programme would lead to the degree of M.Sc., B.Ed., it should be of six years duration and a revised programme should be sent. Thereafter, the fourth respondent sent a communication dated 9.2.2004 to the following effect :-

"SRC considered in depth the report of the Expert Committee on the revised proposal submitted by you in its 67th meeting held on 29.12.2003.

On the basis of the individual reports submitted by the members of the expert committee, SRC has concluded that there is no innovation either in content or in methodology in the proposed programme leading to an award of a dual degree M.Sc. B.Ed. with duration of 5 years.

SRC has resolved not to recommend M.Sc., B.Ed. programme as an innovative dual degree programme in Mathematics and Education and hence your application will not be considered for grant of recognition."

The petitioner thereafter has filed an appeal u/s 18 of the National Council for Teacher Education Act (hereinafter referred to as "NCTE Act". National Council for Teacher Education in its communication dated 10.2.2004 informed the petitioner that the papers relating to the proposal were forwarded to NCTE and by communication dated 26.1.2004 the petitioner was informed that the representation

was under consideration and the appeal, hearing of which was fixed to 26.2.2004, stood postponed. In the meantime the UGC had constituted a Committee, which included the Chairman of NCTE and others, to examine the issue and the Committee recommended favourably with regard to the course M.Sc., B.Ed. Thereafter, the UGC considered the matter in detail and decided to approve the nomenclature of the subject M.Sc., B.Ed., and the communication to that effect was sent to the petitioner. According to the petitioner, such communication clearly indicates that the UGC has recognised the course instituted by the petitioner as an innovative course. Subsequently, the UGC obtained approval of the first respondent and notified M.Sc., B.Ed., course for the purpose of Section 22 of the UGC Act. The petitioner claims that in view of the subsequent circumstances, the NCTE should have automatically conveyed its approval for the course as the issue to the course was innovative or not stood concluded after issuance of the notification by the Central Government. The third respondent, however, on erroneous assumption that it has jurisdiction to consider the issue has sent communication dated 23.12.2004 stating that the Expert Committee met on 13.12.2004 and the observations of the Committee were being sent to the petitioner for parawise remarks and comments before a final decision is taken by NCTE on the proposal. The petitioner claims that in view of the approval of the UGC for the course, the petitioner is entitled to conduct the programme and confer the degree without any hindrance from other respondents and the communication dated 23.12.2004 asking for certain comments is superfluous and uncalled for. It is further claimed that the Expert Committee did not take into consideration the approval accorded by the UGC with prior permission from the Central Government for the course M.Sc., B.Ed.,(5 years) as an integrated course. It is the contention of the petitioner that the petitioner being a deemed University, there is no further requirement of obtaining any approval from the NCTE, particularly in view of the fact that the course sought to be introduced by the petitioner has been notified u/s 22 of the UGC Act.

In the above background, in W.P.No.876 of 2005, the petitioner has prayed for issuing a declaration that no such approval is required from NCTE for starting the course in view of the notification u/s 22 of the UGC Act. In W.P.No.877 of 2005, it has been prayed that in case it is found that approval from NCTE is required, the communication dated 23.12.2004 be quashed as being superfluous and direction may be issued to the third and fourth respondents to issue necessary approval in view of the notification already issued u/s 22 of the UGC Act.

3. A common counter affidavit in both the writ petitions has been filed on behalf of Respondent No.4. According to the fourth respondent, as per the provisions contained in the NCTE Act, the Institutes which offer to conduct courses in respect of teacher education have to obtain recognition from the third respondent as per Section 14 of the said Act. The matter had been considered and rejected by the fourth respondent by order dated 26.3.2003 against which no appeal had been filed. Therefore, the matter had become final. The revised proposal was again considered

by the fourth respondent and it was indicated that the course should be for six years and not for five years. It is indicated that against the said order, rejecting proposal, the petitioner has preferred appeal u/s 18 of the NCTE Act, which is pending before the third respondent and an Expert Committee has been constituted to consider the proposal. The Expert Committee has given certain recommendations and under the impugned communication dated 23.12.2004, comments of the petitioner had been sought for and the matter is still pending in appeal, and, therefore, the writ petition should not be entertained. It has been further indicated that the notification issued by the second respondent with regard to conferment of the degree would not give rise to any right to the petitioner to start the new course without getting the necessary recognition under the NCTE Act.

4. The main contention is that since the notification u/s 22 of the UGC Act has been issued, there is no further necessity to obtain any approval from the third and fourth respondents. It is further submitted that the provisions contained in the NCTE Act do not apply to the Universities as such and the petitioner being a deemed University, there is no further requirement of obtaining any approval. According to the petitioner, the expression "institution" does not include University and the decision of the Supreme Court in AIR 2001 SC 2861 (Bharathidasan University and Anr. v. All India Council For Technical Education and Ors.) being applicable, the necessary relief should be granted. It has been further submitted in alternative that in any view of the matter the application, which has been filed long back, is being dealt with in a mechanical manner by the respondents 3 and 4 and at any rate in view of the notification issued by the UGC after the report of the Committee, which also included the Chairman of the third respondent, the respondents 3 and 4 should have given necessary approval without going through the unnecessary rigmarole of further explanations and further comments.

5. To consider the questions involved, it is necessary to notice the relevant provisions contained in various Acts.

6. UGC Act, 1956 is an Act to make provision for the co-ordination and determination of standards in Universities. u/s 2(f) "University" means a University established or incorporated by or under a Central Act, a Provincial Act or a State Act, and includes any such institution as may, in consultation with the University concerned, be recognised by the Commission in accordance with the regulations made in this behalf under this Act.

Under Section 3 of the UGC Act the Central Government may declare that any institution for higher education, other than a University, shall be deemed to be a University for the purposes of the UGC Act, and on such a declaration being made, all the provisions of the UGC Act shall apply to such institution as if it were a University within the meaning of clause (f) of section 2. Section 22 of the UGC Act provides that the right of conferring or granting degree shall be exercised only by a University established or incorporated by or under a Legislation or by an institution

deemed to be a University u/s 3 of the UGC Act or by an institution specially empowered by an Act of Parliament to confer or grant degrees. Section 22(2) makes it further clear that no other person or authority is entitled to confer or grant a degree. Section 22(3) is to the following effect :-

" 22(3) For the purposes of this section, "degree" means any such degree as may, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette."

7. The NCTE Act, 1993 is an Act to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development of the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in the teacher education system and for matter connected therewith.

As per Section 2(e) "institution" means an institution which offers courses or training in teacher education. According to Section 2(i) "recognised institution" means an institution recognised by the Council u/s 14. u/s 2(n), "University" means a University defined under clause (f) of section 2 of the University Grants Commission Act, 1956, and includes an institution deemed to be a University u/s 3 of that Act.

Section 14 of the NCTE Act relates to recognition of institutions offering course or training in teacher education and empowers the Regional Committee to grant recognition or pass an order granting recognition or pass an order refusing recognition. u/s 14(5) every institution, in respect of which recognition is refused, is obliged to discontinue the course or training. u/s 14(6), the examining body is required to follow the order passed by the Regional Committee.

Under Section 15, permission for a new course or training in teacher education can be granted by the Regional Committee.

Under Section 17(4), students passing in teacher training examination would not be eligible to seek employment in teaching post under Government or in aided institutions. It is of course true that the University is the authority to grant degree as contemplated u/s 22 of the UGC Act, but if the course is not approved by the NCTE, the disability u/s 17 shall be incurred so far as the students are concerned. Therefore, even if the deemed University starts any such course and issues a degree, such degree would not be recognised by the institutions under the control of the Government or the aided institutions.

8. The main contention raised by the petitioner is to the effect that the petitioner being a deemed University u/s 3 of the UGC Act, it cannot be equated to the expression "Institution", and, therefore, the provisions contained in Chapter IV of the NCTE Act are not applicable. Learned counsel for the petitioner has placed reliance upon the decision of the Supreme Court reported in AIR 2001 SC 2861 (cited supra). In the aforesaid case, the main question was whether Bharathidasan

University, which was created by the Bharathidasan University Act, 1981 could commence courses in technology such as Information Technology & Management, Bio-Engineering & Technology, Petrochemical Engineering & Technology, Pharmaceutical Engineering & Technology, etc., without obtaining the approval for such courses from All India Council for Technical Education Act, 1987. Answering such question in favour of the University, the Supreme Court observed :-

"15. To put it in a nutshell a reading of Section 10 of AICTE Act will make it clear that whenever the Act omits to cover a "University", the same has been specifically provided in the provisions of the Act. For example, while under clause (k) of Section 10 only "technical institutions" are referred to, clause (o) of Section 10 provides for the guidelines for admission of students to "technical institutions" and "Universities" imparting technical education. If we look at the definition of a "technical institution" u/s 2(h) of the Act, it is clear that a "technical institution" cannot include a "University". The clear intention of the Legislature is not that all institutions whether University or otherwise ought to be treated as "technical institutions" covered by the Act. If that was the intention, there was no difficulty for the Legislature to have merely provided a definition of "technical institution" by not excluding "University" from the definition thereof and thereby avoided the necessity to use alongside both the words "technical institutions" and University in several provisions in the Act. The definition of "technical institution" excludes from its purview a "University". When by definition a "University" is excluded from a "technical institution", to interpret that such a clause of such an expression wherever the expression "technical institution" occurs will include a "University" will be reading into the Act what is not provided therein. The power to grant approval for starting new technical institutions and for introduction of new courses or programmes in consultation with the agencies concerned is covered by Section 10(k) which would not cover a "University" but only a "technical institution". If Section 10(k) does not cover a "University" but only a "technical institution", a regulation cannot be framed in such a manner so as to apply the regulation framed in respect of "technical institution" to apply for Universities when the Act maintains a complete dichotomy between a "University" and a "technical institution". Thus, we have to focus our attention mainly to the Act in question on the language adopted in that enactment. In that view of the matter, it is, therefore, not even necessary to examine the scope of other enactments or whether the Act prevails over the University Act or effect of competing entries falling under Entries 63 to 65 of List I vis-a-vis Entry 25 of List III of the Seventh Schedule to the Constitution."

9. The submission made on the basis of the aforesaid decision is rightly combated by the learned counsel for the respondents 3 and 4 by inviting my attention to the the expression "Institution" as defined in Section 2(e) and other provisions of the NCTE Act. Unlike the provisions contained in the AICTE Act, under the present Act, the expression "Institution" does not exclude any University. Unlike the AICTE Act, where the Act had referred to the expression "Institution" and "University" in

different provisions, which indicated that the general provisions relating to institution ipso facto were not applicable to the University, no such dichotomy has been maintained under the present Act, more particularly in Chapters III and IV of the Act, which relate to functions of the Council and recognition of Teacher Education Institutions respectively. The provisions indicate that where the University itself establishes a teachers training course, it shall also be considered as an "institution" as otherwise, the intention of the Parliament in entrusting the supervisory power to the NCTE under the NCTE Act would become infructuous.

10. It is difficult to accept the contention of the petitioner to the effect that the expression "Institution" in the context of NCTE Act could not include "University", when such university offers courses of training in teacher education, particularly, keeping in view the definition clauses as contained in Section 2(3) and 2(n) of the NCTE Act. It is of course true that the Supreme Court in A.I.R 2001 SC 2861 (cited supra) had observed that the provisions contained in AICTE Act regarding obtaining sanction from AICTE for starting an engineering course were not applicable to the university. However, it is evident that the definition clauses in AICTE Act were different and the expression "technical institution" specifically excluded the University under such Act. In the said case, the Supreme Court had also emphasised on the fact that in the provisions contained in such Act, there was general reference to the expression "Institution" and only under certain specific instances reference was made to the expression "University" wherever the Act intended the provisions to apply to the University. In view of such plain language, the Supreme Court had upheld the contention of the University in the said case that the university did not come within the expression "Institution" and, therefore, the requirement of law calling upon the Institution to obtain permission from AICTE for starting an engineering course was not applicable to the University. In the said Act, a dichotomy was maintained between "Institution" and "University".

11. As commonly understood, the main role of an University is to conduct examinations and to award degrees. If the domain of the University is only confined to such traditional role, the University may not be taken to be an "Institution" within the meaning of Section 2(e) of the NCTE Act. Where, however, the University also offers courses or training in teacher education as distinguished from merely being the affiliating body and the examining body, the University must be taken to be an "Institution" as defined u/s 2(e) of the NCTE Act.

12. In the Division Bench decision of Kerala High Court reported in [University of Calicut Vs. National Council for Teacher Education and Others](#), a similar view seems to have been taken. In the aforesaid decision, one of the questions was relating to obligation on the part of the University offering degrees relating to teacher training in the centres run by the University. The Kerala High Court after referring to the decision in AIR 2001 SC 2861 (cited supra) emphasised upon the fact that under the definition clause of NCTE Act, the expression "institution" did not exclude the

University, whereas under the AICTE Act, the definition clause specifically excluded the expression "University". By emphasising upon the fact that the definition under the AICTE Act was different from the definition contained in the NCTE Act, the Kerala High Court distinguished the decision of the Supreme Court in AIR 2001 SC 2861 and observed:-

"7. ... It is true that for starting a technical course, University need not obtain permission from AICTE but University is bound to keep the standard prescribed by it. All the three Universities have separate centres at different places for giving teachers training to grant B.Ed. degree. Those centres are institutions run by the Universities and such centres are bound to maintain all standards prescribed by NCTE and they cannot go behind National Standards as NCTE Act is applicable through out India except in Jammu & Kashmir. It is true that University can award degree like B.Ed. or Ph.d. in teacher education and they need not get prior permission from the NCTE. But students who obtain such degree from the University centres will not entitled to get employment in any State or Central or University or aided establishments engaged in teaching students, unless the centres are recognised by NCTE and courses are conducted as per NCTE norms. Unless they are recognised by NCTE as provided u/s 17(4), students who pass out from such centres cannot get employment in teaching post in the Government, University or in aided institutions. If University is continuing the course in those centres without recognition, while inviting applications for admission they should make it very clear in the advertisement itself that the Centre is not recognised by NCTE and, therefore, students who are admitted there for B.Ed., will not get employment in the Government or University establishments or in other aided institutions as provided u/s 17(4) of the Act. Section 17(4) is already held to be valid by the Apex Court in [Union of India \(UOI\) and Others Vs. Shah Goverdhan L. Kabra Teachers College](#)."

13. In the above view of the matter, the first contention of the petitioner to the effect that the petitioner being a deemed university is not required to obtain recognition from NCTE, as envisaged under Chapter IV of the NCTE Act, is not tenable.

14. The prayer in the connected writ petition is for quashing the communication dated 23.12.2004, where under the respondents 3 and 4 have sought for certain information from the petitioner. The contention raised in such writ petition is to the effect that since M.Sc., B.Ed., five years integrated course had already received the nod of the University Grants Commission, there was no further necessity to the third respondent to seek for more information all over again.

15. Learned counsel appearing for the respondents 3 and 4 has submitted that the matter was required to be examined by an expert committee, and, therefore, they had sought for certain clarifications as they have certain doubts regarding M.Sc., B.Ed., five years integrated course.

16. Letter from the UGC of September, 2004 is to the following effect :-

"... With reference to your letter No. nil dated 17.2.2004 on the subject cited above, I am to inform you that the Commission approved the nomenclature of the following new degrees for specification under the provision contained in section 22 of the UGC Act:-

1. M.Sc. B.Ed. - 5 years integrated course

2. B.A.LL.,B. - 5 years integrated course"

17. In fact a Gazette notification to that effect has been published, which is to the following effect :-

UNIVERSITY GRANTS COMMISSION

New Delhi-110002. October 2004

No.F.1-10/2004 (CPP-II) - In exercise of the powers conferred by Sub-section (3) of Section 22 of the UGC Act, 1956 (3 of 1956) as modified upto Dec. 1985 and in continuation of Gazette Notification No.F.1-52/97(CPP-II) dated 31.01.2004, the University Grants Commission with the approval of the Central Government hereby specifies the following additional degrees for the purpose of the said Section :-

1. M.Sc.B.Ed.-5 year integrated course

2. B.A.LL.B.-5 year integrated course"

17. The aforesaid letter from UGC was in response to the letter dated 8.2.2004 signed on 9.2.2004 by the Deputy Secretary of NCTE. The relevant portion of the letter is to the following effect :-

"2. On preliminary examination of the proposal the NCTE feels that the programme will lead to award of the degree M.Sc., B.Ed., the programme should be six years (6). In the circumstances, the UGC may offer its comments/views on the following points.

i) So far as course content on B.Ed teaching in the syllabus and contents be examined in NCTE. So far as M.Sc., (Maths) Syllabus course is concerned UGC may please examine the same as the programme is an integrated PG Programme and SASTRA, Thanjavur is a Deemed University.

ii) Whether the programme of the deemed University of a duration of 5 years could be accepted under innovative programme."

18. Even though it cannot be laid down as a matter of law that NCTE is bound in all cases by the opinion or advice given by UGC, in the scheme of things, it is obvious that the opinion/advice given by UGC is entitled to great respect. Even though the two organisations have distinct, though sometimes overlapping roles to play, there cannot be any two opinion regarding the fact that opinion/advice rendered by the

UGC is ordinarily to be followed unless there is any sufficient reason to discard such opinion. It is also to be remembered that the Chairman of the NCTE is also a member of UGC. Therefore, the communication sent by the UGC is required to be given its due weight by NCTE by considering the matter.

19. In course of hearing, it has been pointed out by the learned counsel for the respondents 3 and 4 that in fact the appeal was pending, and, therefore, the writ petitioner need not have filed the writ petition and should have waited till the appeal is decided. Since the appeal has remained pending for a long time, the petitioner obviously feeling concerned has moved this Court. However, the communication sent by the third respondent is merely a letter seeking for certain elucidation and in that sense there is no necessity to quash such communication. It is always open to the petitioner to furnish a suitable reply to such communication as well as to pursue the appeal, which is still pending. While pursuing the appeal as well as giving reply, it would be always open to the petitioner to highlight all the aspects and there is no doubt that an appropriate decision would be taken by the appropriate authority by considering all the relevant circumstances.

20. From the correspondence as well as the counter affidavit, it is apparent that the NCTE is entertaining a doubt regarding viability and the advisability of having five years integrated course for plus 2 students, under which a degree in M.Sc., (Maths) and B.Ed., would be granted and it seems to be the apprehension of the NCTE that in normal course for having such a degree, a student is required to study for six years (five years for M.Sc., and one year for B.Ed.). I fail to see the logic of such apprehension. It should not be forgotten that the normal tenure for a bachelor degree after plus 2 is three years and LL.B. degree is further three years and yet an integrated course of five years awarding a degree of graduation and law has become quite prevalent nowadays. Taking a leaf out of such five years law courses, where graduation as well as law graduation degree is awarded, in my opinion, there need not be any undue hesitation on the part of the NCTE in introducing such a course. The apprehension that the student concerned may not be able to put in the required labour also seems to be a mere apprehension.

21. The prayer in W.P.No.877 of 2005 is for quashing the letter dated 23.12.2004 and consequently directing the third and fourth respondents to grant approval for the course of M.Sc., B.Ed. 5 year integrated course in Maths. As already indicated, the letter dated 23.12.2004 seems to be a letter seeking for certain clarifications and, moreover, the matter is pending in appeal. Therefore, as already pointed out there is hardly any scope for quashing such letter. However, it is observed that the petitioner should furnish the required clarifications within a period of two weeks and thereafter the appeal should be disposed of as expeditiously as possible, keeping in view all the relevant factors. This may be done within a period of six weeks from the date of receipt of the further communication from the petitioner.

22. In the result, W.P.No.876 of 2005 is dismissed and W.P.No.877 of 2005 is disposed of with the above observations.