
(2011) 03 MAD CK 0120

In the Madras High Court

Case No : Writ Petition No. 10829 of 2009 and M.P. No. 1 of 2009

C. Senthilkumar and Others

APPELLANT

Vs

The Director of Teacher Education Research and Training, The
Director of Government examination, The District Institute of
Education and Training and Annai Sathiya Men Teacher
Training Institute

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Citation : (2011) 03 MAD CK 0120

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : K. Sridhar, for Sridhar Associates, for the Appellant; Dakshayini Reddy, Government Advocate for Respondents 1-3 and B. Rabu Manohar, for Respondent 4, for the Respondent

Judgement

D. Hariparanthaman, J.—The Petitioners are unfortunate students who underwent Diploma in Teacher Education (D.T.Ed.,) in the fourth

Respondent institution during the period 2005-2007. Though they wrote examinations for both the first and second year in 2006 and 2007

respectively, their results are yet to be published. They filed the present writ petition praying for a direction to the Respondents 1 and 2 to publish

their results.

2.The brief facts leading to the filing of this writ petition are as follows:

(a) The fourth Respondent is a Teacher Training Institute. The Southern Regional Committee, National Council for Teacher Education (NCTE),

Bangalore granted recognition to the fourth Respondent institution to offer D.T.Ed., course of two years duration from the academic session 2005-

2006 with an annual intake of 50 students, by an order dated 23.11.2005.

(b) The Petitioners numbering 49 are the students admitted in D.T.Ed., course of two years duration for the academic session 2005-2006. When

the first year examinations for the D.T.Ed., course were scheduled to commence from 18.12.2006, the Petitioners were not permitted to write the

examinations on the ground that the faculty members of the fourth Respondent institution were not approved by the Respondents 1 to 3.

(c) Hence, the fourth Respondent institution filed a writ petition in W.P. No. 48246 of 2006 praying for a direction to the second Respondent to

permit 50 students of its institution to sit for the D.T.Ed., course first year examinations that were to commence from 18.12.2006. This Court by an

order dated 13.12.2006 in W.P. No. 48246 of 2006 permitted the students to write the first year examinations.

(d) Accordingly, the Petitioners herein wrote the first year examinations. However, their results are yet to be published.

(e) In the meantime, the first Respondent passed an order dated 30.11.2006 refusing to approve three faculty members of the fourth Respondent

institution.

(f) Challenging the order dated 30.11.2006, the fourth Respondent filed a writ petition in W.P. No. 49645 of 2006. This Court passed an order

dated 03.04.2007 and quashed the aforesaid order dated 30.11.2006 and remitted the matter to the concerned authority to decide the issue

afresh.

(g) Again the first Respondent passed an order dated 26.07.2007 refusing to approve the three faculty members for the academic session 2006-

2007.

(h) Hence, the fourth Respondent filed writ petition in W.P. No. 31281 of 2001 to quash the said order dated 26.07.2007 of the first Respondent

and for a consequential direction to the first Respondent to grant staff approval for its institution.

(i) The fourth Respondent institution filed a miscellaneous petition in M.P. No. 2 of 2007 in W.P. No. 31281 of 2007 seeking for a direction to the

Respondents to permit the students to write the second year examinations. This Court passed an order dated 03.10.2007 in M.P. No. 2 of 2007

in W.P. No. 31281 of 2007 permitting the students to write the second year

examinations. Accordingly, the Petitioners wrote the second year examinations. But their results are not yet published.

(j) This Court passed an order dated 07.02.2008 in W.P. No. 31281 of 2007 refusing to quash the order dated 26.07.2007 of the first

Respondent. However, this Court directed the fourth Respondent institution to make a representation to the first Respondent seeking to publish the results of the students, who have already written their examinations.

(k) Hence, the Petitioners, who had undergone D.T.Ed., course in the fourth Respondent institution during 2005-2007, have come up with the present writ petition seeking for a direction to the Respondents 1 and 2 to publish their results.

3. The first Respondent filed counter affidavit refuting the allegations made in the affidavit filed in support of the writ petition. It is stated in the

counter that since the fourth Respondent has not obtained staff approval, the Petitioners ought not to have been admitted by the fourth Respondent

institution. The details of various Government Orders issued by the Government regulating the Teacher Training Course and the details of the writ

proceedings challenging those Government Orders, are given in the counter affidavit. In view of the various orders passed by this Court making it

clear that unless approval for faculty members was granted, the students could not seek for declaration of results, though they wrote examinations.

4. Heard Mr. K.Sridhar, learned Counsel for the Petitioner and Mrs. Dhakshayini Reddy, learned Government Advocate for the Respondents 1 to

3 and Mr. Rabu Manohar, learned Counsel for the fourth Respondent institution.

5. The Southern Regional Committee, NCTE, Bangalore granted recognition to the fourth Respondent institution vide order dated 23.11.2005 to

offer D.T.Ed., course of two years duration from the academic session 2005-2006. Based on the recognition, the Petitioners in the present writ

petition were admitted for the first year during the year 2005-2006. It is not in dispute that the students underwent the course during that period.

As per the NCTE Regulations, there should be six teachers including the Principal. The qualifications for such teachers are also prescribed in the

NCTE Regulations.

6. While so, the first Respondent passed an order dated 30.11.2006 refusing to grant approval for three of the faculty members of the fourth

Respondent institution namely, Tmt. Bakthagowri, Thiru. R. Raghavan and Thiru. T. Nedumaran. The deficiencies pointed out by the first

Respondent is that when Tmt. Bakthagowri claimed that she belongs to Scheduled Caste, the community certificate was not produced and the

same was issued only on 24.11.2006. In respect of other two persons, the service certificates were signed only by the Assistant Elementary

Educational Officer, instead of the District Elementary Educational Officer. Since the staff approval was not granted, the Petitioners were not

permitted to write the first year examinations that were to commence from 18.12.2006. Hence, the fourth Respondent institution filed a writ

petition in W.P. No. 48246 of 2006 seeking for a direction to the second Respondent to permit the 50 students of its institution to sit for the

examinations and to publish their results thereafter.

7. After hearing all the parties, this Court virtually allowed the writ petition in W.P. No. 48246 of 2006, on 13.12.2006, on merits. This Court

recorded a finding that the Respondents were not correct in refusing to grant approval for the staff list on the ground that the community certificate

was issued only on 24.11.2006 to Tmt. Bakthagowri. In view of the community certificate, it is now made clear that Tmt. Bakthagowri belongs to

Scheduled Caste community and the same is not in dispute. Likewise, as far as the other two candidates are concerned, the objection made by the

Respondents 1 and 2 was rejected by the learned Judge on the ground that the third Respondent endorsed the service certificates and forwarded

the same for approval to the first Respondent. Since the third Respondent made endorsement on the service certificates and the same were

forwarded to the first Respondent for passing appropriate orders, the first Respondent could not now contend that the service certificates were

signed only by the Assistant Elementary Educational Officer, instead of the District Elementary Educational Officer. In this regard, paras 4 and 5 of

the order dated 13.12.2006 passed in W.P. No. 48246 of 2006 are extracted hereunder:

4. However, on account of the fact that the community certificate was issued only on 24.11.2006, the Respondents cannot refuse to grant

approval for the staff list. The appointment of the candidate Baktha Gowri as a candidate belonging to Scheduled Caste Community has now been

fortified by the proof of the Community Certificate.

5. In so far as the other two candidates are concerned, the objection that those Community Certificates have been signed by the Assistant

Elementary Educational Officer, cannot now stand, in view of the fact that those certificates have been forwarded by the third Respondent with an

endorsement, dated 28.07.2006. If those certificates had not been issued by the appropriate authority, the third Respondent ought not to have

made endorsement and forwarded the same. Even, otherwise, the first Respondent ought to have pointed out the deficiency earlier, to enable the

Petitioner to rectify the same. Since, it has not been done, the Petitioner is entitled to have the students permitted to sit for examination.

8. Thus, this Court found that there was no justification for the first Respondent to refuse staff approval on the ground mentioned in the order dated

30.11.2006. Though the said order dated 30.11.2006 was not put to challenge in W.P. No. 48246 of 2006, after recording the aforesaid findings,

this Court directed the second Respondent to permit the Petitioners to write the first year examinations commencing from 18.12.2006. In this

regard, para 6 of the order dated 13.12.2006 passed in W.P. No. 48246 of 2006 is extracted hereunder:

6. In such circumstances, this writ petition is ordered, directing the second Respondent to permit the students of the Petitioner institution, listed in

the annexure to the writ petition to take the first year D.T.Ed., examination, commencing from 18.12.2006....

9. Since this Court allowed the writ petition in W.P. No. 48246 of 2006 on merits permitting the students of the fourth Respondent institution to

write the first year examinations, the first Respondent ought to have published the results of the Petitioners. This Court did not put a condition that

the Petitioners were permitted to write their examinations, but their results should be published subject to the outcome of the staff approval. If such

a condition was imposed by this Court, then the Respondents 1 and 2 are justified in not publishing the results of the Petitioners. Since it was found

on merits that there is no substance in refusing approval of the faculty members, the Respondents 1 and 2 ought to have published the results.

Among the six teachers, as stated above, the objection of the Respondents 1 and 2 related only to those three teachers and their objections are

also of the nature as stated above. Under such circumstances, in view of the aforesaid order dated 13.12.2006 passed in W.P. No. 48246 of

2006, I am of the view that the Petitioners are entitled for a direction to the Respondents 1 and 2 to publish their results for the first year

examinations that took place from 18.12.2006.

10. In view of the privatization in education, so many Teacher Training Institutes came into existence, particularly after 2005-2006. In these

circumstances, the Government issued an order in G.O.(2D). No. 59, School Education (U1) Department, dated 14.11.2006 relating to admission

of students to D.T.Ed., course for the academic year 2006-2007 and the approval of teaching faculty. As per this G.O., the last date for admission

of students to D.T.Ed., course for the academic year 2006-2007 is 30.11.2006 and there should not be any admission of students beyond

30.11.2006 and the last date for the approval of teaching faculty by the first Respondent for the newly recognized private Teacher Training

Institutes for the academic year 2006-2007 is 20.11.2006. Challenging the said G.O.(2D) No. 59, a batch of writ petitions in W.P. Nos. 47503

of 2006 etc., were filed by various Teacher Training Institutes including the fourth Respondent institution.

11. While challenging G.O.(2D) No. 59 in W.P. No. 49645 of 2006, the fourth Respondent institution also challenged the order dated

30.11.2006 of the first Respondent refusing to grant approval for the faculty members and sought for a consequential direction to grant approval

for its faculty members. The said writ petition in W.P. No. 49645 of 2006 was disposed of by a common order dated 03.04.2007.

12. This Court, while disposing the batch of writ petitions in W.P. Nos. 47503 of 2006 etc., upheld the Government Order in G.O.(2D) No. 59

prescribing 30.11.2006 as the last date for admission of students for the academic year 2006-2007. However, the last date for approval of faculty

members was extended from 20.11.2006 to 09.03.2007 for the academic year 2006-2007 alone, in view of another order passed by the

Government in G.O.(2D) No. 7, School Education Department, dated 09.02.2007 extending the last date for approval of faculty members as

09.03.2007 from 20.11.2006.

13. As stated above, while upholding G.O.(2D) No. 59 in W.P. Nos. 47503 of

2006 etc. batch, this Court issued directions to the State

Government that the Government should issue a compendium of guidelines prescribing calendar of activities for the Teacher Training Institutes

indicating (i) the cut off date for approval of staff members (ii) cut off date for admission of students etc. The State Government was further

directed to issue the said compendium of guidelines within two months and it shall take effect from the academic year 2007-2008 onwards. In this

regard, para 27(a) (b) and (c) of the aforesaid order dated 03.04.2007 passed in W.P. Nos. 47503 of 2006 etc. batch, is extracted hereunder:

27. Therefore, in fine, all the writ petitions are disposed of with the following directions:

(a) The impugned Government Order G.O.(2D) No. 59, School Education Department, dated 14.11.2006, prescribing 30.11.2006 as the last

date for admission of students for the academic year 2006-2007, is upheld as perfectly valid and the same is binding on all Teacher Training

Institutes.

(b) Since the last date for approval of Faculty Members had been extended by the State Government under G.O.(2D) No. 7, School Education

Department, dated 9.2.2007 from 20.11.2006 to 9.3.2007, the Director of Teacher Education Research and Training shall approve the admission

of students in all Private TTIs, if their admission had taken place before 30.11.2006 and the list of Faculty Members had been submitted before

9.3.2007. This concession is only in respect of the current academic year 2006-2007, since the Amended Regulations, 2005 were notified on

13.1.2006 and the revised Appendix-2 Norms and Standards under Amended Regulations 2006 were notified only on 11.12.2006.

(c) Within two months from the date of receipt of a copy of this order, the State Government shall issue a compendium of guidelines, prescribing

the calendar of activities for the Teacher Training Institutes, indicating (i) the date of commencement of the Course, (ii) the cut off date for approval

of staff members, (iii) the cut off date for admission of students, (iv) the cut off date for holding Single Window Counselling, for sponsoring

candidates under the Government Quota, (v) the method of recruitment of Teaching Faculty, administrative and technical support staff, (vi) the

calendar of activities for the academic year including the days of instruction and

days of internship, (vii) the schools in which the internship could be undergone, (viii) the schedule for the Examination as well as the Commission Work and Observation Work and (ix) such other matter as required for streamlining the system of Teacher Education in the State. The said compendium of guidelines, shall be issued by the Government within two months and it shall take effect from the academic year 2007-2008 onwards.

14. As state above, the Government Order in G.O.(2D) No. 59 itself relates to fixation of cut off date relating to admission of students and

approval of faculty members for the academic year 2006-2007 for the newly recognized Teacher Training Institutes for the year 2006-2007. As

state above, the list of faculty members submitted before 09.03.2007 in respect of the academic year 2006-2007 by the Teacher Training

Institutes shall be entertained and the concerned authority should pass appropriate orders, as per the aforesaid order dated 03.04.2007 passed in

W.P. Nos. 47503 of 2006 etc., batch.

15. Based on the said order dated 03.04.2007 passed in W.P. Nos. 47503 of 2006 etc., batch, the first Respondent passed an order dated

26.07.2007 refusing to grant approval for the faculty members of the fourth Respondent institution. This time, the reasons are different. It is stated

that there is impersonation in relation to one Mr. P. Elango, that is while the certificates relates to Mr. P. Elango, the photograph affixed relates to

one Mr. K.S. Elangovan. The second reason is that another faculty member Mr. Thirugnanasambandam was employed by the fourth Respondent

institution in their Middle School, while it was stated that he was employed in the fourth Respondent institution. The third reason is that Tmt.

Bakthagowri, faculty member did not have the required experience of five years service in the Middle School and instead, she served only for four years and 39 days.

16. Pursuant to the directions issued by this Court on 03.04.2007 in W.P. Nos. 47503 of 2006 etc. batch, the Government issued a compendium

of guidelines in G.O.(Ms) No. 108, School Education Department, dated 17.05.2007 relating to the cut off date for the admission of students and

cut off date for approval of teaching staff etc., from the year 2007-2008. As per this G.O., the academic year for Teacher Training Institutes is

from July to June and the last date for the admission of students is 31st July and

the last date for approval of faculty members is 20th of June every year.

17. As stated above, pursuant to the directions issued in para 27(b) of the judgment dated 03.04.2007 passed in W.P. Nos. 47503 of 2006 etc.

batch, the first Respondent passed an order dated 26.07.2007 refusing to approve the list of faculty members, as submitted by the fourth

Respondent institution, as stated above. Thus, the fourth Respondent was not able to admit students during 2006-2007. Hence, the fourth

Respondent institution filed the writ petition in W.P. No. 31281 of 2007 to quash the aforesaid order dated 26.07.2007 of the first Respondent

and for a consequential direction to the second Respondent to grant staff approval from the academic year 2006 onwards.

18. The fourth Respondent institution also filed a miscellaneous petition in M.P. No. 2 of 2007 in W.P. No. 31281 of 2007 seeking interim

direction to permit its students to write second year examinations that were to commence in October 2007. This Court passed an interim order

dated 03.10.2007 in M.P. No. 2 of 2007 in W.P. No. 31281 of 2007 permitting the students to take the second year examinations. Accordingly,

the Petitioners herein wrote the second year examinations.

19. The said interim order dated 03.10.2007 was questioned by the Respondents 1 to 3 herein by filing W.A. No. 1295 of 2007. The writ appeal

was disposed on 03.01.2008 by directing the Registry to list the writ petition in W.P. No. 31281 of 2007 for final disposal on 05.02.2008. While

disposing the writ appeal, a Division Bench of this Court held that the publication of the results would depend upon the outcome of the writ

petition.

20. At this juncture, it is relevant to note that the Division Bench put a condition that publication of results of the second year examinations was

subject to the result of the writ petition in W.P. No. 31281 of 2007, i.e., when the order dated 03.10.2007 passed in M.P. No. 2 of 2007 in W.P.

No. 31281 of 2007 was challenged by the Respondents 1 to 3 by filing an appeal, this Court made it very clear that the publication of the results

would depend ultimately on the outcome of the writ petition. But no such condition was laid, when the earlier order dated 13.12.2006 was passed

in W.P. No. 48246 of 2006.

21. In fact, this Court found on merits that objection for not granting approval for the faculty members for the year 2005-2006 was not justified.

Hence, the Petitioners are entitled for the publication of their results for the first year examination, in view of the categorical pronouncement of this

Court in W.P. No. 48246 of 2006, dated 13.12.2006. However, the publication of the result of the second year examinations would depend upon

the outcome of the writ petition in W.P. No. 31281 of 2007.

22. This Court disposed the writ petition in W.P. No. 31281 of 2007 on 07.02.2008. The teachers namely, Mr. R. Raghavan and Mr. T.

Nedumaran, who were approved by the order dated 13.12.2006 in W.P. No. 48246 of 2006, resigned from service on 07.03.2007. The

impugned order dated 26.07.2007 of the first Respondent found that there was impersonation in the case of Mr. P. Elango. As far as Mr.

Thirugnanasambandam is concerned, it was stated that he worked at the Middle School of the fourth Respondent Management, while it was stated

that he was also employed in the fourth Respondent institution as Lecturer. On those grounds, the approval was rejected by the second

Respondent. The other reason was that Tmt. Bakthagowri, did not render five years of service in the Middle School as prescribed in the

Regulations. This Court found that prima facie Tmt. Bakthagowri is eligible for approval and that she served for five years. In fact, the School also

produced the details of the earlier services rendered by Tmt. Bakthagowri. She rendered more than five years in the Middle School. But this Court

categorically held that the fourth Respondent is not eligible for approval of faculty members for the academic year 2006-2007 for their conduct,

which was demonstrated by the Respondents Nos. 1 to 3.

23. In para 11 of the order dated 07.02.2008 passed in W.P. No. 31281 of 2007, this Court held that the fourth Respondent institution is not

entitled for any indulgence for being considered for the academic year 2006-2007, as they included one of the candidates by impersonation.

However, this Court recorded that the interest of the students, who were already admitted, i.e., the Petitioners herein, has to be taken into

consideration. In this regard, para 11 of the said order is extracted hereunder:

11. On hearing the learned Counsel for the Petitioner as well as the learned Special Government Pleader and on the factual position that the

Petitioner institution has approached the Respondent for the purpose of approval of teachers list including one of the candidates by impersonation,

I am of the considered view that the Petitioner is not entitled for any indulgence for being considered for the academic year 2006-2007. In any

event, the interest of the students has to be taken into consideration for, by virtue of the above said conduct of the Petitioner, the interest of the students should not be affected.

24. While making it clear that the fourth Respondent institution is not entitled for approval of faculty members for the year 2006-2007, due to their

conduct, this Court quashed the order dated 26.07.2007 of the first Respondent and the fourth Respondent was permitted to make fresh

representation to the first Respondent regarding the two teachers viz., Mr. P. Elango and Mr. Thirugnanasambandam. Ultimately, this Court held

that the Petitioners were validly admitted for the academic year 2005-2006 and that their case relating to publication of results should be

considered by the first Respondent, on an appropriate representation being made by the fourth Respondent institution. In this regard, para 16 of

the order dated 07.02.2008 passed in W.P. No. 31281 of 2007 is extracted hereunder:

16. In view of the fact that the students were permitted to write examination by order of this Court, it is open to the Petitioner to make appropriate

representation to the first Respondent, which shall be considered by the first Respondent including the release of results of the students, who have

already written their examination, taking into consideration the interest of the students, who have been validly admitted for the academic year

2005-2006 during the period when there was an approval by the NCTE.

25. Thus, this Court made it clear that the fourth Respondent was not eligible for approval of faculty members for the year 2006-2007. Hence, the

fourth Respondent seems to have not admitted any fresh students for the year 2006-2007. But however, taking into account the pathetic condition

of the Petitioners, who were validly admitted for the academic year 2005-2006, this Court directed the fourth Respondent to make appropriate

representation to the first Respondent for publication of results and the first Respondent was directed to consider the same and to pass appropriate

orders taking into consideration the interest of the students. While deciding the

issue in W.P. No. 31281 of 2007, this Court also took into account the earlier order dated 13.12.2006 passed in W.P. No. 48246 of 2006. Hence, as directed by this Court, the fourth Respondent institution should have made a representation to the first Respondent for publication of results of its students for the second year examinations, who were validly admitted during the academic session 2005-2006.

26. But unfortunately, the fourth Respondent, who have not chosen to file counter affidavit, did not make any such representation, in spite of the aforesaid direction of this Court made in para 16 of the order dated 07.02.2008 passed in W.P. No. 31281 of 2007. Hence, the Petitioners are put to untold sufferings and even after four years, their results are yet to be published. Hence, while directing the first Respondent to publish the results of the first year examinations of the Petitioners in view of the order dated 13.12.2006 passed in W.P. No. 48246 of 2006, the fourth Respondent was directed to make a representation to the first Respondent for publication of results of the second year examinations and consequently, the first Respondent was directed to consider the same and pass orders, taking into account the interest of the Petitioners, who were validly admitted, as already observed by this Court in W.P. No. 31281 of 2007.

27. However, the learned Government Advocate strenuously contended that in view of the order dated 01.04.2008 passed by a Division Bench of this Court in W.A. Nos. 137 of 2008 etc., batch, the Petitioners are not entitled to seek declaration of their results. The learned Government Advocate also relied on an order dated 21.12.2009 of this Court passed in W.P. Nos. 13508 of 2008 etc., batch, wherein the fourth Respondent institution is one among them. Hence, this Court has to consider those objections and to see whether those objections would come in the way of issuing directions to the fourth Respondent to make representation for publication of results and to the first Respondent to consider and pass orders on the representation taking into account the interest of the Petitioners students as they were validly admitted during 2005-2006 as directed by this Court in the order dated 07.02.2008 passed in W.P. No. 31281 of 2007.

28. As stated above, the compendium of guidelines issued by the Government, for the year 2007-2008, relating to the Teacher Training Institutes, in G.O.(Ms) No. 108, School Education Department, dated 17.05.2007 was

challenged by some Teacher Training Institutes in a batch of writ petitions in W.P. Nos. 20569 of 2007 etc., batch. Those writ petitions were disposed of on 11.01.2008, with 10 directions. However, I am concerned with para 78(iii) and 78(iv) of the order dated 11.01.2008 passed in W.P. Nos. 20569 of 2007 etc., batch. In para 78(iii) of the order, this Court held that the concerned authority should approve the faculty members whose qualifications are not disputed. That is, the learned Judge directed to approve a part of the list of faculty members submitted by the institutions, though there is some defect in respect of other teaching faculties. In para 78(iv) of the judgment, this Court directed that the guidelines issued in G.O.(Ms)No. 108 should be followed from the academic year 2008-2009 instead of 2007-2008.

29. The State Government and the first Respondent herein filed writ appeals in W.A. Nos. 137 of 2008 etc., batch challenging the aforesaid order dated 11.01.2008 passed in W.P. Nos. 20569 of 2007 etc., batch. The Division Bench held that there cannot be a prevaricated approval of the faculty list. It was held that either the faculty list should be approved in entirety or it should be rejected. Accordingly, para 78(iii) of the order dated 11.01.2008 passed in W.P. Nos. 20569 of 2007 etc., was modified to that extent. When the Government Order in G.O.(Ms) No. 108 was issued pursuant to the order dated 03.04.2007 of this Court passed in W.P. Nos. 47503 of 2006 etc., batch directing the Government to issue compendium of guidelines from the academic year 2007-2008 and accordingly, when the Government issued guidelines, the learned Judge was not correct in his decision rendered in W.P. Nos. 20569 of 2007 etc., batch that the guidelines prescribed in G.O.(Ms) No. 108 would come into effect from the year 2008-2009. Thus, para 78(iv) of the order dated 11.01.2008 passed in W.P. Nos. 20569 of 2007 etc., was set aside.

30. The learned Government Advocate heavily relied on the concluding paragraph of the judgment dated 01.04.2008 passed by the Division Bench in W.A. Nos. 137 of 2008 etc., batch to deny the relief as sought for by the Petitioners herein and the same is extracted hereunder:

27. W.A. No. 278 of 2008 filed by the Director of Teacher Education is disposed of, holding that unless and until the staff list is approved, even if the students write the examination, they are not entitled to have the results

declared and the decision with regard to the individual institutes will be given separately.

31. I am not in agreement with the submissions made by the learned Government Advocate. The entire narration of facts as stated above makes it very clear that G.O.(Ms) No. 108 that was considered in the batch of writ petitions in W.P. Nos. 20569 of 2007 etc., batch, is relating to the admission of students for the academic year 2007-2008 onwards, while the Petitioners were admitted during 2005-2006.

32. At this juncture, it is relevant to refer the judgment dated 03.04.2007 passed in W.P. Nos. 47503 of 2006 etc., batch, questioning G.O.(2D)

No. 59, referred to above. In the said judgment, it was held in para 24 that no students could be admitted to the Teacher Training Institutes before

obtaining recognition and also approval of the qualified faculty members and getting affiliation from the Examining Body. In this regard, para 24 of

the said judgment is extracted hereunder:

24. From the aforesaid National Council for Teacher Education (Recognition Norms and Procedure) Regulations 2005, which came into effect

from 13.1.2006, there is no escape from the conclusion that the Institutions are entitled to admit students only after the following steps are fulfilled

viz.:

(a) Obtaining an order of recognition

(b) Appointing qualified Faculty Members, putting the information on the Official Website and formally informing the Regional Committee

concerned.

(c) Getting an unconditional order of recognition

(d) Getting affiliation from the Examining Body.

The Examining Body viz., the University concerned or the State Government (depending upon whether the Course is an Undergraduate/Post-

Graduate Course or a Diploma/Certificate Course), they grant affiliation only after the list of staff members is approved. After the publication of the

Amended Regulations of the year 2006 in respect of the Norms and Standards, with effect from 11.12.2006, the role of the Examining Body has

been enlarged, in the matter of examining and granting approval to the staff members appointed by the Institution, under para-4.2 of Appendix 2

Norms extracted in para-21 above.

But the said condition is referred to by the learned Judge for future admission of students from 2006-2007 onwards as the aforesaid finding was

rendered by the learned Judge based on the NCTE Amended Regulations of the year 2006 that came into effect from 11.12.2006. Further, it is

also relevant to note para 22 of the judgment, wherein the learned judge found that in the order granting recognition, the NCTE failed to inform

uniformly to all the Teacher Training Institutes that the institutions should admit students only after approval of faculty members by the State

Government. In this regard, the relevant passage from para 22 of the judgment dated 03.04.2007 in W.P. Nos. 47503 of 2006 etc., batch is

extracted hereunder:

22. ...The foundation for the said contention of the learned Senior Counsel is a Clause contained in the order of recognition issued by NCTE itself.

But unfortunately, the said Clause making it obligatory for the Institutions to commence the Course only after the grant of approval for the list of

staff members, is not found uniformly in all the orders of recognition issued to all Institutions. I have examined the orders of recognition filed by the

Petitioners in these batch of cases and I found that the said Clause making it obligatory for the Institutions to admit students only after the grant of

approval of Faculty Members by the State Government (or the University concerned) is not incorporated uniformly in all orders of recognition. On

the contrary, some of the orders of recognition proceed as though the NCTE had examined the list of Faculty Members and found the same to be

in order. This has actually led to a misunderstanding of the whole issue.

33. The aforesaid judgment dated 03.04.2007 passed in W.P. Nos. 47503 of 2006 etc., batch was approved by the Division Bench in the

judgment dated 01.04.2008 passed in W.A. Nos. 137 of 2008 etc., batch. Therefore, it should be understood from the judgment of the Division

Bench that after the issuance of G.O.(Ms) No. 108, the guidelines prescribed therein should be scrupulously followed from 2007-2008 and that

no institutions, that violate the conditions could plead for declaration of result on the ground that students would be affected, after illegally admitting

them. The results of those students could not be permitted to be published even if the students were permitted to write examinations pursuant to the

interim orders. As stated above, those observations would not be applicable to the Petitioners who were validly admitted during 2005-2006 as observed by this Court and the said judgment of this Court attained finality. Further, the entire narration of facts would make it clear that the interest of the students who were already admitted during 2005-2006 could not be affected, as the guidelines issued in G.O.(Ms) No. 108 were for the year 2007-2008 onwards and the Division Bench upheld the said G.O., as stated above.

34. The judgment of this Court dated 21.12.2009 passed in W.P. Nos. 13508 of 2008 etc., batch relied on by the learned Government Advocate

is also could not be applied to this case, though the fourth Respondent herein is also a party to the said batch and the fourth Respondent filed W.P.

No. 14840 of 2008. The fourth Respondent admitted students for 2007-2008 without following the procedures laid down in G.O.(Ms) No. 108.

That is, without getting approval of the faculty members, the students were admitted and they were permitted to write examinations pursuant to the

interim order passed by this Court. The fourth Respondent filed the writ petition in W.P. No. 14840 of 2008 praying for a direction to issue hall-

tickets to 50 students who had undergone D.T.Ed., course for the year 2007-2008 to write examinations that were to commence from

26.06.2008. The Teacher Training Institutes that filed the batch of writ petitions admitted students in 2006-2007 or 2007-2008 without getting

approval of teaching staff as contemplated in the aforesaid Government Order. Hence, those writ petitions were dismissed, though the students

concerned therein, wrote the examinations pursuant to the interim order. While dismissing the batch of writ petitions, this Court relied on para 27 of

the judgment dated 01.04.2008 passed in W.A. No. 137 of 2008 etc., batch and refused to issue direction for publication of results. In para 27 of

the order in W.P. Nos. 13508 of 2008 etc. batch, this Court held that it is not a case where originally Teachers' list were approved, but additional

teachers' list is pending with the authorities. It is stated in para 30 of the order that none of the students raised about the difficulties experienced

and none of the students approached the Court.

35. But in the present writ petition, the original teachers' list for the year 2005-2006 was deemed to have been approved, pursuant to the order

dated 13.12.2006 passed in W.P. Nos. 48246 of 2006. From the said list, Mr. R. Raghavan and Mr. T. Nedumaran left the fourth Respondent

institution on 07.03.2007 as per the records produced by the fourth Respondent and thereafter, two other teachers were to be approved. Those

teachers' approval was rejected by the first Respondent by the order dated 26.07.2007, as stated above. Hence, the fourth Respondent institution

did not admit any students for the year 2006-2007. But the students, i.e., the Petitioners, who joined in 2005-2006, were taught by all valid

teachers upto 07.03.2007 and the already admitted students could not be affected. As stated above, it was held that the Petitioners were validly

admitted. Furthermore, this Court also passed an order dated 13.12.2006 in W.P. No. 48246 of 2006 stating that the objection for non approving

the faculty members for the year 2005-2006 was not justified. Hence, the Respondents 1 to 3 could not compare the students who were admitted

in 2005-2006 and the students who were admitted in 2007-2008, after the issuance of G.O.(Ms) No. 108 and the order dated 03.04.2007

passed in W.P. Nos. 47503 of 2006 etc., batch. That is why this Court passed an order dated 07.02.2008 in W.P. No. 31281 of 2007 that the

case of the Petitioners should be considered, taking into account that they were validly admitted during 2005-2006. Hence, I have no hesitation to

reject the submissions made by the learned Government Advocate.

36. Therefore, the writ petition is disposed of with the following directions:

a) The Respondents 1 to 3 are directed to publish the results of the Petitioners for the first year examinations.

(b) The fourth Respondent is directed to make representation to the first Respondent, as directed by this Court in the order dated 07.02.2008

passed in W.P. No. 31281 of 2007, seeking publication of results, within a period of four weeks from today.

(c) On receipt of such representation, the first Respondent is directed to consider the same and pass appropriate orders, within four weeks

thereafter, taking into account the interest of the Petitioners students, in the light of the order passed in W.P. No. 31281 of 2007 and this

judgment.

37. With the above directions, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.