
(2004) 08 AHC CK 0213

In the Allahabad High Court

Case No : Writ Petition No's. 3211, 3240 and 3269 (M/S) of 2004

Sanjai Srivastava and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 05-08-2004

Acts Referred:

National Council for Teacher Education Act, 1993 — Section 14, 16, 17

Citation : (2004) 5 AWC 5076

Hon'ble Judges : N.K. Mehrotra, J

Bench : Single Bench

Advocate : N.R. Tripathi, A.N. Singh and N.K. Pandey, for the Appellant; M.M. Asthana and R.K. Srivastava, S.C., for the Respondent

Final Decision : Dismissed

Judgement

N.K. Mehrotra, J.—Since all the aforesaid three writ petitions have been filed on the same facts with the same prayer, therefore, these writ petitions are being disposed of together finally with the consent of parties" Counsel by a common judgment.

2. All the Petitioners pray for issuing a writ in the nature of mandamus directing the opposite parties to send them to Special B.T.C. Course, 2004 for the purpose of appointment on the post of Assistant Teacher in Primary Schools of Basic Shiksha Parishad. They have also prayed for issuing a writ in the nature of certiorari quashing the orders by which their names have been excluded from the select list.

3. In one of the Writ Petition No. 3211 of 2004 (M/S) it has also been prayed that if, it is found that the degree or diploma holders of any training for which the recognition u/s 14 of National Council of Teachers Education Act, 1995 is necessary, then the opposite party No. 6 Hindi Sahitya Sammelan, Prayag, Allahabad be directed to obtain necessary recognition of N.C.T.E. from 1995.

4. I have heard Sarva Shri N.R. Tripathi, A.N. Singh and N.K. Pandey, the learned

Counsel for the Petitioners and Shri R.K. Srivastava, the learned standing Counsel for the opposite parties.

5. Admittedly, the opposite parties issued an advertisement for selection of Special training of B.T.C. Course, 2004 to get a large number of qualified candidates appointed on the vacant post of Assistant Teacher in primary schools. The candidates who have obtained B. Ed./L.T./B.P. Ed./ D.P. Ed./C.P. Ed. degrees from the Universities established and conducted by the State Government, the State recognized Degree Colleges/Training Degree Colleges and also recognized by National Council of Teachers Education (N.C.T.E.) were made eligible for applying for Special B.T.C. Course, 2004. It was also a condition in the eligibility that the candidates must have obtained these degrees as institutional student.

6. Admittedly all the Petitioners of these three petitions, have obtained degree of Shiksha Visharad from Hindi Sahitya Sammelan, Allahabad.

7. The contention of the learned Counsel for the opposite parties is that this degree of Shiksha Visharad is neither included in the qualification for the eligibility to apply for Special B.T.C. course nor this degree is recognized by the N.C.T.E. In support of his contention, the learned standing Counsel has referred a decision of this Court in bunch of writ petitions in which Civil Misc. Writ Petition No. 25340 of 2003, Shailendra Kumar Singh and Ors. v. State of U.P. and Ors. is the leading writ petition. The judgment of this Court at Allahabad was delivered in these bunch cases on 8.1.2004. The relevant portion of that judgment is as follows:

Be that as it may, after the coming into force of the Act from 1st July, 1995, in view of the specific prohibition contained in Sections 16 and 17 of the Act, neither the examination held by the Hindi Sahitya Sammelan can be recognized nor the training course of Shiksha Visharad offered by an unregistered institution can be recognized. Thus, till such time the institutions running Shiksha Visharad course are recognized by the Regional Committee the qualification acquired by each of the Petitioners cannot be said to be a valid qualification for the purpose of giving appointment in the Basic Schools run by the State Government or the Basic Shiksha Parishad.

Thus, a degree of Shiksha Visharad which each of the Petitioners have obtained from the institution not recognized by the National Council for Teacher Education, cannot confer any right to be considered for appointment on the post of a teacher.

The learned Counsel for the Petitioner submitted that the University Grants Commission has recognized the degree of Shiksha Visharad as it has been mentioned in item No. 56, presently item No. 135, of the list of degrees, recognized by it. It may be mentioned here that all the degree of Shiksha Visharad conferred by the Hindi Sahitya Sammelan, Allahabad do not stand recognized by the University Grants Commission. Only such teachers' training course which has been recognized by the National Council of Teacher Education, where Shiksha Visharad degree is given, have been recognized by the University

Grants Commission.

In view of the above conclusion, it is not necessary to go into the question as to whether the person holding the degree of Shiksha Visharad are entitled to be appointed as Assistant Teacher in the Basic Schools run by the Board or not?

Before parting with the case, in order to safeguard the career of the students and to prevent them from being misled by unrecognized degrees, the Court feels it proper to issue directions to the State Government and the National Council for Teacher Education to ensure that the Hindi Sahitya Sammelan, Allahabad which is a body constituted under the provisions of the 1962 Act, does not hold any examinations of a course of teacher training and/or grant affiliation to any institution which has not been recognized by the National Council for Teacher Education.

8. In view of the above, it appears that it has been conclusively held that the degree of Shiksha Visharad conferred by the Hindi Sahitya Sammelan, Allahabad is not recognized by the University Grants Commission and the National Council of Teachers Education.

9. The learned Counsel for the Petitioners have filed certain copies of the interim orders of this Court in several writ petitions which are Annexure-8 in the Writ Petition No. 3240 of 2004 (M/S), Annexure-11 in Writ Petition No. 3211 of 2004 (M/S) and Annexure-8 in Writ Petition No. 3269 of 2004 (M/S). I may make it clear that mere direction in the interim orders/judgments without laying down any principle of law is not a binding precedent. The same view was taken in *Nalini and Associates and Another Vs. State of U.P. and Others*, , by a Division Bench of this Court.

10. Therefore, in view of the decision in Civil Misc. Writ Petition No. 25340 of 2003, *Shailendra Kumar Singh and Ors. v. State of U.P. and Ors.* all these writ Petitioners are not eligible for Special B.T.C. Training Course, 2004.

11. Accordingly, all the three writ petitions are dismissed.