

(2004) 03 JH CK 0087

In the Jharkhand High Court

Case No : W.P.S. No's. 588, 542, 587, 703, 707, 608, 685, 689, 796, 843, 844, 845, 856, 912, 953, 961, 1012, 1156, 1160, 1242, 1243, 1244 and 1245 of 2004

Suresh Kumar and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 04-03-2004

Acts Referred:

Constitution of India, 1950 — Article 226

National Council for Teacher Education Act, 1993 — Section 14, 16, 3

Citation : (2004) 2 JCR 274

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A.K. Verma, S.P. Sinha, S.K. Shrivastava, P.P.N. Roy, D.K. Dubey, S. Arun, S. Saurva, R. Sanchita, K. Shankar, A. Hussain, A. Ahmad and R. Sailendra, for the Appellant; A.K. Sinha, A.G., M.K. Laik, S. Piprawal, B.S. Lal and S.K. Verma, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—In all these writ petitions since common question of law and facts are involved, they have been heard together and disposed of by this common order.

2. Jharkhand Public Service Commission (shortly "the Commission") issued advertisement in the newspaper in August, 2002 inviting applications from the eligible candidates for filling up the posts of teachers in primary schools. In the said advertisement necessary eligibility criteria as well as district wise vacancies of the teachers was also mentioned. As per the provisions of Jharkhand Primary Schools Appointment Rules, 2002, the eligibility criteria for appointment on the post of assistant teacher in the primary school is matriculation or equivalent examination with two years teacher's training or B.ED/Dip-in-Ed in teaching. All the petitioners submitted their applications and the Commission held written test. In the result published by the Commission all the petitioners have been

declared successful. The Commission, thereafter, forwarded and recommended the names of the petitioners in order of merit of respondent Nos. 1 and 3, namely, the Director, Primary Education, Government of Jharkhand. The respondent thereafter started the process of verification of certificates and issued appointment letters to many candidates. The grievance of the petitioners is that inspite of fulfilling all the criteria including the requisite qualification and training, the respondents are not issuing letters of appointment in their favour.

3. The respondents filed their counter-affidavit stating, inter alia, that the Commission recommended the names of selected candidates on the condition that appointment letters shall be issued only after proper verification of academic/training/option/caste certificates that shall be furnished by the candidates. As per the direction of the Commission, the Education Department issued detailed guidelines in respect of the appointments of selected candidates vide memos dated 13.11.2003 and 4.12.2003. Respondents' further case is that recognition of degree and diploma relating to Teachers Training shall be in accordance with the National Council for Teacher Education Act, 1993 and the rules, regulations and guidelines made thereunder. It is contended that a guideline in this connection has been issued to different Headquarters by the Government of Jharkhand in respect of the institutions, which have been recognized. A copy of the guidelines has been annexed as Annexure-C to the counter-affidavit.

4. In all these writ petitions the petitioners claimed to have obtained B.Ed. degree or certificates of Teachers Training/Correspondence Courses of Teachers Training from different private institutions under different States, namely, State of Bihar, State of West Bengal and State of Uttar Pradesh etc. The grievance of all these petitioners is that the respondent-State is bound to recognize these degrees/certificates since the petitioners fulfill the criteria for appointment they are entitled to get appointment letters.

5. I have heard learned counsels appearing on behalf of all the writ petitioners and the learned Advocate General at length. Learned Advocate General firstly submitted that the recognition of degree and diploma relating to Teachers Training can be accepted only if the same has been issued by the Institutions duly recognized by the National Council of Teacher Education. Learned counsel drawn my attention to the relevant provisions of the National Council of Teachers Education Act. According to him, after 17th August, 1995 when the Act came into force, only those institutions which have been recognized by the NCTE will be deemed to be recognized institutions and the Degrees and Diplomas of only those institutions and the institutions duly recognized by the concerned States shall be accepted for the purpose of giving appointment to the candidates who have been declared successful in the written examination. Learned counsel further submitted that the Director, Higher Education, Government of Jharkhand sent several letters to the different States seeking clarification of the degrees in Teachers Training granted by different institutions.

6. The National Council for Teachers Education Act, 1993 (in short the Act) has

been enacted for the purpose of establishment of a National Council for Teacher Education with a view to achieving planned and co-ordinated development for the teacher education system throughout the country and also the regulation and proper maintenance of norms and standards in the teacher education system. The Act came into effect from 1st July, 1995. Section 3 empowers the Central Government to establish a Council to be called the National Council for Teacher Education. The duty of the council is to take all such steps for ensuring planned and co-ordinated development of teacher education and for determination and maintenance of norms and standard for teacher education. The function of the council is to prevent commercialization of teacher education. Section 14, provides for recognition) of institutions offering course or training in teacher education. Section 14 reads as under :

"14. Recognition of institutions offering course or training in teacher education.--

(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations :

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made an application for recognition, within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under Sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under Sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall--

(a) If it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the Institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such condition as may determined by regulations; or

(b) If it is of the opinion that such institution does not fulfil the requirements laid down in Sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing :

Provided that before passing an order under Sub-clause (b) the Regional Committee shall provide a reasonable opportunity to the concerned instructions for making written representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the

official gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under Clause (b) of Sub-section (3).

(6) Every examining body shall, on receipt of the order under Sub-section (4)--

(a) grant affiliation to the institution, where recognition has been, granted; or

(b) cancel the affiliation of the institution, where recognition has been refused."

7. It is also worth to quote Section 16 of the said Act, which reads as under :

"16. Affiliating body to grant affiliation after recognition or permission by the council.--Notwithstanding anything contained in any other law for the time being in force, no examining body shall, on or after the appointed day :--

(a) grant affiliation, whether provisional or otherwise, to any institution; or

(b) hold examination, whether provisional or otherwise, for a course or training conducted by a recognized institution Unless the institution concerned has obtained recognition from the Regional Committee concerned u/s 14 or permission for a course or training u/s 15."

8. From : perusal of the aforesaid provisions it is manifest that every institution offering or intending to offer a course or training in teacher education shall have to make an application to the Regional Committee for the grant of recognition. It is only after proper inquiry the Council shall grant recognition to the institution if it fulfils all the conditions laid down in the Act, Rules and Regulations made thereunder. Section 16 in a very clear term provides that no examining body other than the Council under the Act shall grant affiliation provisional or otherwise to any institution or hold examination unless the institution concerned has obtained recognition from the Regional Committee concerned u/s 14 of the said Act.

9. Legislatures thought it proper to enact the law for achieving planned and coordinated development of the Teacher Education System throughout the country. The non-obstant clause contained in Section 16 of the Act cast a mandate upon the examining body not to grant any affiliation, whether provisional or otherwise to any Institution or to hold examination unless the Institution obtained recognition in accordance with the provisions of Section 14 of the Act.

10. In the case of Amrith Educational and Cultural Society, Bangalore and another Vs. State of Karnataka and another, , the provision of Section 5 of the Karnataka Prohibition of Admission of Students to the un-recognized and

Unaffiliated Educational Institutions Act, 1992 was under consideration before the Karnataka High Court. Section 5 of that Act empowers the Government to issue directions notwithstanding anything contained in any Act for the time being in force to the Karnataka State Secondary Education Examination Board or the University to hold examination of the students admitted to B.Ed. course from such college even if affiliation was not granted. The Court held that Section 5 is repugnant to the provision of Sections 14 and 16 of the Central Act, 1993. The Court observed :

"By referring to the said provision, learned Additional Government Advocate submits that in view of the said provisions under the State Act, the State Government has competence to direct the examining authorities like the Karnataka State Secondary Education Examination Board or the University established under the Karnataka State Universities Act, 1976 to conduct examination for students of unaffiliated institutions/colleges. In my opinion, such a stand raised on behalf of the State cannot be accepted in view of the scheme and mandate as contained in Chapter IV of the Central Act. The Parliament keeping in view the desirability of achieving planned and coordinated development of the teacher education system throughout the country, the regulation and maintenance of proper norms and standards in the teacher education system has enacted the National Council for Teacher Education Act, 1993." Their Lordship further observed :

"Therefore, in my opinion, provisions of Section 5 of the State Act being repugnant to the provisions of the Central Act has to be held as void and therefore it cannot be resorted to by the State Government for permitting the students of recognized or unrecognized institutions to sit at the examinations conducted by the examining bodies except on fulfillment of the requirements contained in Sections 14 and 16 of the Central Act."

11. Learned counsel appearing for the petitioners relied upon the decision of the Patna High Court in the case of Mahendra Prasad Mehta v. District Superintendent of Education, Katihar" 1985 PLJR 709. In that case the appointment of the petitioners on the post of teachers in Primary School was refused on the ground that petitioner had passed basic training examination from a College in Kalingpong, West Bengal where the length of course of training was only one year. The Division Bench of the Court allowing the said writ petition observed :

"This provision is not dealing with the requirements prescribed for appointment of a teacher in a Primary or Middle School. This chapter is dealing with the training schools themselves. Since Mr. Mani Lal, Standing Council IV has not urged or relied upon any material to suggest that a training degree obtained by a candidate in the West Bengal is not a suitable degree for the purpose of appointment as trained teacher, the length of the course prescribed for a training degree in the Bihar Schools cannot solve the problem. On the other hand, the petitioner has asserted that candidates obtaining degrees from Colleges in

Bengal have been appointed in Bihar. This fact is not denied. The counter-affidavit attempts to explain the situation by saying that these appointments were wrongly made. The petitioner has also relied on a decision taken by the District Superintendent of Education, as contained in Annexure-II, where not only the fact that the Colleges in West Bengal were running the course of one year is taken note of, but a further direction is given that such candidates will be treated as trained teachers and will be paid accordingly. In face of these facts it is futile to suggest that the petitioner was not eligible for appointment on the grounds indicated above."

12. On the same issue another writ petition was also allowed by the Patna High Court in C.W.J.C. No. 1629 of 1988, A.K. Mandal v. State of Bihar.

13. At this stage, it is worth to point out that the aforesaid decision was delivered by the Patna High Court before the NCTE Act, 1993 came into force and therefore this decision will not at all help the petitioners.

14. Petitioners also relied upon a decision of the Patna High Court in the case of Devanand Roy and Another Vs. State of Bihar and Others, . In that case similar question arose whether State of Bihar can taken appointment of the candidates who obtained training course outside the State of Bihar. His Lordship held that putting such restriction in the advertisement is unconstitutional. His Lordship observed :

"The impugned condition in the advertisement puts a blanket ban on all the institutions outside the State of Bihar, it is not the duration but the quality of the course which can be a relevant consideration and it may not be always true that a course of longer duration on that score alone should be of a better quality than a course of shorter duration. The concerned authorities are fully entitled to Judge the relative merits and quality of any course and may also take into consideration the duration of the course as one of the factors in that regard but on that score alone certainly a candidate cannot be shut out of consideration. The procedure contemplated in Clause 5 of the Circular letter dated 17.12.1981 is administratively convenient. But it is calculated to shut out all those persons who have done Physical Education course from colleges outside the State of Bihar and thus infringes upon the constitutional right to equality. An individual's right to equality is too valuable to be sacrificed to administrative conveniences."

15. This decision also not of much help to the petitioners for the reason that advertisement in that case for appointment to the post of Physical Teachers was issued in the year 1988 i.e. before coming into force to the NCTE Act, 1993.

16. Petitioners also relied upon the decision, of the Supreme Court in the case of Ram Vinay Kumar and Ors. v. State of Bihar and Ors. SLP (Civil) No. 23187 of 1996. In that case, the advertisement for recruitment of Assistant Teachers in the Primary School of Bihar was Issued in 1991. The selection process was challenged on the ground that selection was made on district wise basis. The Patna High Court held that the eligible candidates have a right of consideration

for their appointment in any one or other district cadre of Assistant Teachers and the State could not force a person to confine his application for a particular district cadre at the time of application. The matter was ultimately went to the Supreme Court in appeal and the same was disposed of with following directions : "Keeping in view the facts and circumstances of the case, we are not inclined to interfere with the impugned judgment of the High Court but having regard to the fact that the High Court has found merit in the grievance of the petitioners we consider it appropriate in the interest of Justice to give the following directions regarding appointment on the posts of Assistant Teachers which have not been filled on the basis of this selection made on the basis of the advertisement dated October 8, 1991 and which fall in the general category :

(i) The Commission shall conduct a special selection for the purpose of appointment on these unfilled posts from amongst applicants who had submitted their applications.

(ii) The selection shall be confined to applicants possessing teacher" training qualifications obtained from Government/Private Teachers" Training Institutions.

(iii) The selection shall be made by holding a Preliminary test and a written examination of the candidates who qualify in the preliminary test.

(iv) In case the number of persons found suitable for appointment in such special selection exceeds the number of posts for which recruitment was to be made on the basis of the advertisement dated October 8, 1991, the surplus number of candidates who have been found suitable for appointment would be adjusted against posts to be filled or the basis of subsequent selection.

(v) The special selection which is to be conducted in pursuance of these directions shall be completed by the Commission by December 31, 1997-"

17. Learned counsel appearing for the petitioners drawn my attention to the aforesaid decision and submitted that candidates possessing teachers training certificate from private training institution cannot be denied appointment. I am unable to accept the submission of the learned counsel. The Supreme Court has not issued directions to make appointment even of those candidates who obtained teachers" training qualification from private training teachers institution not affiliated or recognized under the NCTE Act or by the concerned State. As a matter of fact that issue was not involved in the said appeal before the Supreme Court.

18. It is well settled that in order to understand and appreciate the binding force of a decision it was always necessary to see what were the facts in the case in which the decision was given and what was the point which had to be decided. It is also necessary to see what was the law applicable at the time when the decision was given and what is the law applicable thereafter. In the case of Union of India (UOI) and Others Vs. Dhanwanti Devi and Others, principles have been settled by the Supreme Court and it was observed :

"A decision is only an authority for what it actually decides. What is of the essence in a decision is its ratio and not every observation found therein nor what logically follows from the various observations made in the judgment. Every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there is not intended to be exposition of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. It would, therefore, be not profitable to extract a sentence here and there from the judgment and to build upon it because the essence of the decision is its ratio and not every observation found therein."

19. Their Lordships further observed as under :

"Therefore, in order to understand and appreciate the binding force of a decision it was always necessary to see what were the facts in the case in which the decision was given and what was the point which had to be decided. No judgment can be read as if it is a statute. A word or a clause or a sentence in the judgment cannot be regarded as a full exposition of law. Law cannot afford to be static and therefore. Judges are to employ and intelligent technique in the use of precedents."

20. The stand of the respondents in the counter-affidavit is that by memo No. 1126 dated 24.8.2002 the Human Resources Development Department, Government of Jharkhand decided to make appointment to the Post of Assistant Teachers and the Commission accordingly invited applications from the candidates who are having minimum qualification of matric or equivalent examinations and possession the degree of two years teachers training examination/B.Ed or equivalent degree/ diploma from the recognized institutions. The petitioners without having that primary qualification, applied for the Post of Assistant Teachers.

21. The Government of Jharkhand, at the direction of the Commission issued letters dated 13.11.2003 and 4.12.2003 giving the detailed guidelines in respect of appointment of selected candidates. The respondents also issued memo No. 404 dated 16.2.2004 providing guidelines in connection with teachers training certificates. A copy of the said letter has been annexed as Annexure-C to the counter affidavit. The said guidelines contained in the said letter is summarised as under :

(i) In case of certificate of training produced by the candidates from Jammu and Kashmir since the said Act of 1993 is not applicable in the said State, those certificates shall be accepted if the institution is duly recognized by the State of Jammu and Kashmir.

(ii) In respect of all those institutions which came into existence after 17.8.1995 when the Act of 1993 came into force, the certificates of those institutions shall be accepted only when those institutions are recognized by the council under the said Act.

(iii) Those candidates who have obtained teachers training certificate before 17.8.1995 from the teachers training institutions of the State of Bihar and whose examinations have been conducted by the Bihar School Examination Board, their certificates shall be accepted.

(iv) So far as private institutions like David Hare College of Correspondence, Calcutta, Sister Nivedita College, Calcutta, Mr. B.C. Ray College, Calcutta, All India Education Society, Calcutta, All India Correspondence Coaching Society, Calcutta are concerned, it has been decided not to accept the certificates of those institutions because they hold private examinations and declare their result. Those institutions are neither recognized by the council under the Act of 1993 nor by the Government of West Bengal.

(v) Further guidelines have also been provided in respect of other Institutions situated in different States.

22. Learned Advocate General produced before this Court a directory issued by Eastern Regional Committee of National Council for Teacher Education in which list of those teachers training institutions, their year of establishment, number of seats approved by the NCTE and the name of the examining body to which institutions are affiliated have been mentioned. In the said directory, the institutions from which petitioners have obtained teachers training certificates are not included. Petitioners have not disputed that these institutions referred to hereinabove are not recognized or affiliated by NCTE. These institutions conduct their own examinations privately and issue certificates of training. The reason is obvious that since the students of unrecognized institutions are not entitled to appear in public examinations held by the Government, those institutions conduct their examinations and issue certificates.

23. In the case of State of Tamil Nadu and Others Vs. St. Joseph Teachers Training Institute and Another, , some unrecognized private teachers training institutions approached the Court for direction to the Government to recognize the institutions and also to permit their students to appear at the public examination. The Supreme Court observed ; "The practice of admitting students by unauthorized educational institutions and then seeking permission for permitting the students to appear at the examination has been looked with disfavour by this Court in N.M. Nageshwaramma v. State of A.P., this Court observed that if permission was granted to the students of an unrecognized institution to appear at the examination, it would amount to encouraging and condoning the establishment of unauthorized institutions. The Court declared that the jurisdiction of this Court under Article 32 or of the High Court under Article 226 of the Constitution should not be frittered away for such a purpose. In A.P. Christians Medical Educational Society v. Government of A.P. a similar request made on behalf of the institution and the students for permitting them to appear at the examination even though the affiliation had been not granted was rejected by this Court. The Court observed that any direction of the nature sought for permitting the students to appear at the examination without the

institution being affiliated or recognized would be in clear transgression of the provision of the Act and the regulations. The Court cannot be a party to direct the students to disobey the statutes as that would be destructive of the rule of law. The Full Bench noted these decisions and observations and yet it granted relief to the students on humanitarian grounds. Courts cannot grant relief to a party on humanitarian grounds contrary to law. Since the students of unrecognized institutions were legally not entitled to appear at the examination held by the Education Department of the Government, the High Court acted in violation of law in granting permission to such students for appearing at the public examination the directions issued by the Full Bench are destructive of the rule of law. Since the Division Bench issued the impugned orders following the judgment of the Full Bench, the impugned order are not sustainable in law."

24. Similarly in the case of State of Maharashtra Vs. Vikas Sahebrao Roundale and others, , a question came for consideration before the Supreme Court as to whether the students having had admission in an unauthorized B.Ed College have right to seek writ of mandamus or direction from the Court to permit them to sit for the examination or to accommodate them in the recognized institution to pursue further studies. Their Lordships taking judicial notice of the mushroom growth of ill-equipped and under-staffed unrecognized educational institutions in Andhra Pradesh, Bihar, Tamil Nadu and Maharashtra States and others states too observed :

"In short teachers need to be endowed and energised with needed potential to serve the needs of the society. The qualitative training in the training colleges or schools would inspire and motivate them into action to the benefit of the students. For equipping such trainee students in a school or a college, all facilities and equipments are absolutely necessary and institutions bereft thereof have no place to exist nor entitled to recognition. In that behalf compliance of the statutory requirements is insisted upon. Slackening the standard and judicial fiat to control the mode of education and examining system are detrimental to the efficient management of the education. The directions to the appellants to disobey the law is subversive of the rule of law, a breeding ground for corruption and feeding source for indiscipline. The High Court, therefore, committed manifest error in law, in exercising its prerogative power conferred under Article 226 of the Constitution, directing the appellants to permit the students to appear for the examination etc."

25. Earlier the Supreme Court has also taken consistent view that students of unrecognized institutions are not entitled to appear in public examinations. The question, therefore, arose when students admitted in an unrecognized and private institutions are not even entitled to appear in public examination, can this Court issue a direction to the respondents to accept certificates of degree granted by those private institutions. Answer certainly would be in negative. In my considered opinion, therefore, the certificates of training equivalent to B.Ed/ Dip. Ed. etc. granted by such private institutions which have neither been

recognized by the Education Council under 1993 Act nor are recognized or affiliated by the concerned States, cannot be accepted. Similarly those certificates granted by such institutions, which have not been issued by the Examination Board or the University of the State, cannot be treated to be a qualification of B.Ed. or equivalent thereto and therefore those petitioners having such training certificates cannot claim their appointment on the basis of those certificates.

26. A Division Bench of Patna High Court also, considering the similar question in the case of *The Managing Committee of Maulana Abul Kalam Azad Primary Teachers Education College v. State of Bihar and Ors.* 1989 (2) BLJR 184, held as under :

"It is an admitted position that in view of the Bihar Non-Government Physical Training Colleges and Non-Government Teachers Training Colleges and Non-Government Primary Teachers Education College (Control and Regulation) Act, 1982, a Teacher Training College cannot be established without prior permission of the State Government. According to the petitioner, as the college is a minority institution, any such statutory bar shall not be applicable to college in question. The institution aforesaid has not yet been recognized by the State Government as a minority institution is not in dispute. The regulation framed by the Bihar School Examination Board prescribes that the students of a recognized institution can only appear at its examination. As such if any direction is given to the Board at this stage to allow the students of the petitioner-institution to appear at the examination it will amount to issue direction to the Board to violate its own regulation."

27, In the case of *A.P. Christians Medical Educational Society Vs. Government of Andhra Pradesh and Another*, , it was observed as under :

"Shri K.K. Venugopal, learned counsel for the students who have been admitted into the MBBS course of this institution pleaded that the interests of the students should not be sacrificed because of the conduct or folly of the Government and that they should be permitted to appear at the University Examination notwithstanding the circumstances that permission and affiliation had not been granted to the institution. He invited our attention to the circumstance that students of the Medical College established by the Daru-Salam Educational Trust were permitted to appear at the Examination notwithstanding the fact that affiliation had not by then been granted by the University. Shri Venugopal suggested that we might issue appropriate direction to the University to protect the interests of the students, We do not think that we can possibly accede to the request made by Shri Venugopal on behalf of the students. Any direction of the nature sought by Shri Venugopal would be in clear transgression of the provisions of the University Act and the regulations of the University. We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the Court to

disobey the laws."

28. Similarly in the case of N.M. Nageshwaramma and Others Vs. State of Andhra Pradesh and Another, , it was held as under :

"If by a fiat of the Court we direct the Government to permit them to appear at the examination we will practically be encouraging and condoning the establishment of unauthorized institutions. It is not appropriate that the jurisdiction of the Court either under Article 32 of the Constitution or Article 226 should be frittered away for such a purpose. The Teachers Training Institutes are meant to teach children of impressionable age and we cannot let loose on the innocent and unwary children, teachers who have not received proper and adequate training. True they will be required to pass the examination but that may not be enough. Training for a certain minimum period in a properly organized and equipped Training Institute is probably essential before a teacher may be duly launched."

29. Taking into consideration the entire facts and circumstances of the case and discussions made above. I am of the view that no writ of mandamus can be issued to the respondents directing them to appoint the petitioners on the basis of teachers training certificates issued by those unrecognized and private institutions who conduct their own examinations and declare result. This Court further directs the respondent to proceed with the verification of certificates and issue letters of appointment to those candidates only who have obtained teachers training certificates from the institutions duly recognized by the NCTE and/or by the concerned State Government and accept certificates which were issued by the State Examination Board or the University of the concerned State.

30. Learned counsel appearing for the petitioners informed this Court that the respondents for the reasons best known to them issued appointment letters to some of the candidates who submitted their teachers training certificates from unrecognized and private institutions which amounts to serious discrimination. If that is so, I direct the respondents to proceed in accordance with law for cancellation of such appointments. These writ petitions are therefore, dismissed with the aforesaid directions.