

(2004) 03 MAD CK 0189

In the Madras High Court

Case No : W.A. No. 3378 of 2002 and W.P. No's. 15045, 16619, 20961 and 21269 (batch) of 2004

The Director of Teacher Education Research and Training

APPELLANT

Vs

P.R. Deivandran and Others

RESPONDENT

Date of Decision : 04-03-2004

Acts Referred:

Citation : (2004) 03 MAD CK 0189

Hon'ble Judges : N. Dhinakar, J;D. Murugesan, J

Bench : Division Bench

Advocate : V.R. Rajasekaran, Spl. Govt. Pleader Edn, for the Appellant; A. Fathimanathan, for RI to R10 and P. Arivudai Nambi, for R. 11, for the Respondent

Judgement

D. Murugesan, J.—The Writ Appeal and the Batch of Writ Petitions relate to the grievance of the students of Teacher Training Institutes in the State of Tamil Nadu. Prior to the issue of two Government Orders in G.O. Ms. No. 535 and G.O. Ms. No. 536 dated 17.5.1989, students were admitted to various Teacher Training Institutes as per the policy of the Government which prevailed then. In order to enhance the standards of education and maintain the same, the above two Government Orders were issued prescribing several conditions to be fulfilled by Teacher Training Institutes in order to obtain recognition. Since it was brought to the notice of the Government that there were more than 35,000 trained teachers as registered in the Employment Exchanges and it was estimated that about 5000 candidates would pass out every year, the Government further took up a policy decision not to permit any new Teacher Training Institutes to come up in the State until further orders and accordingly, G.O. Ms. No. 1046 Education dated 6.11.1991 was issued. Pursuant to the said Government Order, a notification dated 8.11.1991 was issued by the Director of School Education declaring the policy and the decision of the Government not to permit the establishment and running of new Teacher Training Institutes with effect from the academic year 1991-1992.

2. The Government Orders dated 17.5.1989 came up for consideration before a Division Bench of this Court by way of Public Interest Litigation in P.M. Joseph v. State of Tamil Nadu and Ors. 1993 Writ Law Reporter 604. The Division Bench found that the rules framed with a view to enhance the standards of Education prescribing conditions for the grant of recognition were bypassed and a sound sensible policy proclaimed and widely publicized in November, 1991 not to permit any fresh institute was thrown to the winds which resulted in many new institutions getting recognitions without complying with the rules. The Division Bench ultimately declared that temporary recognition granted to 102 Teacher Training Institutes are invalid, 9 Teacher Training Institutes were not even granted temporary recognition and derecognised 117 Teacher Training Institutes which were granted temporary recognition till 31.5.1994 and derecognised 59 Teacher Training Institutes which were granted temporary recognition till 31.5.1992.

3. In view of the order of the Division Bench students who were admitted and underwent the course in the above Institutes numbering approximately about 38,000 were affected. Those who had completed their course successfully were entitled for the declaration of results alone without any further benefits. This order of the Division Bench was confirmed by the Apex Court and thereby it become final. Representations were made both by the Institutes and affected students to the Government with the grievance that the students who had been declared results may be permitted to get their Diploma Certificates and the students who were prevented from writing the examination in view of the order of the Division Bench to continue the course afresh.

4. The Government introduced a scheme in G.O. Ms. No. 685 Education (VI) Department dated 16.7.1993 whereby the students who have studied in the first year and second year of Diploma in Teacher Education Course in derecognised Teacher Training Institutes will be admitted in the courses opened in the 286 Government Higher Secondary Schools for a short term course. The students of first year will be allowed to pursue their second year course in the same school. This Government Order came to be challenged before this Court and the same was quashed by judgment dated 31.1.1994.

5. Considering the grievance of the affected students, the Government again issued G.O. Ms. No. 290 School Education (U-I) Department dated 4.8.1998 reserving 30% of the seats available in the Government Teacher Training Institutes in favour of the students of derecognised institutes who did not receive the certificates after writing the final examinations in old pattern of syllabus. In order to accommodate the affected students, the Government also created additional seats. There is no controversy as to the decision of the Government to admit the affected students as against the seats reserved for them.

6. Keeping in view the number of affected candidates viz., 15670 the Government issued orders in G.O. Ms. No. 136 School Education (UI) Department dated 7.9.2001 to train affected students by increasing 30% to 40%

and the admissions procedures were prescribed in G.O. Rt. No. 112 School Education(U1) Department dated 7.8.2001. In para 2(iii) of the above Government Order, an order of priority for selecting the affected students for admission was prescribed. As per the admissions procedure the affected students who have completed their 2 years Diploma Course and written their second year examination would have appeared for first priority. If no candidate in the first priority is available, the candidates who have completed their first year Diploma Course and written their first year public examination have to be selected. If sufficient number of candidates are not available under the above mentioned categories, then the students who have completed the first year of Teacher Training Course but not appeared in the public examination have to be considered for admission. From the common affidavit filed by the Director of Teacher Education, Research and Training, Chennai it is seen for the academic year 1998-1999, 683 candidates were given admissions representing 30% of the seats reserved; in the academic year 1999-2000 737 candidates were admitted representing 40%; in the academic year 2000-2001 971 candidates were admitted representing 40% and in the year 2001-2002 1145 candidates were admitted representing 40%. In accordance with the above said policy, for the academic year 2001-2002, 10074 candidates were admitted in Category I, 6332 candidates were admitted in Category II and 12330 candidates were admitted in category III, in all 15670 candidates were admitted.

7. As the total number of candidates affected are numbering about 28366 by that time and the Government received 15000 applications for admission in the seats created for the academic year 2002-2003, it was decided to verify the genuineness of the candidates coming under category III. In order to verify the genuineness of the candidates as to whether they have actually admitted and undergone the course in the Teacher Training Institutes which were derecognised by the order of this Court, adopted the procedure to verify the admission register, attendance register and other records maintained in the 286 Government Higher Secondary Schools which were directed to conduct the short term refresher course in terms of G.O. Ms. No. 685 Education (UI) Department dated 16.7.1993. In view of the above criteria/procedure, the candidates for admission to the Government Teacher Training Institutes, were asked to furnish the details as to the admission of students in the 2865 Government Higher Secondary Schools. The Petitioners have questioned the above insistence of the production of the certificate from the school evidencing the fact that they in fact undergone this short term course for the purpose of considering their eligibility for being considered for admission as against the seats created in terms of G.O. Rt. No. 136 School Education (UI) dated 7.9.2001.

8. W.P. No. 25017/2002 was filed by 10 candidates claiming themselves who have undergone the Teacher Training Course in Good Samaritan Teacher Training Institute, Nazareth during the academic year 1992-1993 but who were unable to undergo the short term course, approached this Court for a direction to the Director of Teacher Education, Research and Training to admit them in Teacher

Training Course for the academic year 2002-2004 without insisting the certificate as to the refresher course. The Writ Petition was disposed of by the learned single Judge directing the D.T.R.T. to consider their request without insisting the Refresher Course Certificate. This order is questioned in W.A. No. 3378/2001. As the issue relates to admission, the Writ Petitions with similar grievance are also directed to be listed before us and accordingly, both the Writ Appeal and Writ Petitions are disposed of by this Common Order.

9. The various Government Orders which we have referred to earlier indicate the decision of the Government only to benefit the affected students of the institutes which were de-recognised by the order of the Division Bench of this Court. The de-recognised Institutes may be classified as follows. As we are dealing with the batch, we are not inclined to refer to the facts of each case except classifying the Institutes in which the affected students undergone the course

1) The Institutes which were recognized, but the recognition were set aside by this Court;

2) The Institutes which were granted temporary recognition by the Government which were set aside by this the order of the Division Bench;

3) The Institutes which were granted temporary recognition by this Court;

4) Institutes which did not have recognition at all.

10. At the outset we would like to mention that the students who had undergone the course in Institutes which were not granted recognition either by the Government or by the orders of this Court can have no right to seek for admission by placing reliance of G.O. Rt. No. 136 Education dated 7.9.2001.

11. This order shall govern only in respect of the students who had undergone course in a recognized Institute or Institutes which were temporarily recognized either by the Government or by the orders of this Court and were subsequently de-recognised. Keeping the above in mind, it must now be considered as to whether the insistence of the Certificate evidencing that the students had undergone the Short Term Re-fresher course in the Government Teacher Training Institutes would be reasonable.

12. As we have found that the various steps taken by the Government by issuing various Government Orders are only to ensure that the affected students should be allowed to undergo the course and therefore additional seats were created. There is no dispute as to the admission of students falling under Category I and II of para 2(iii) of the G.O. Rt. No. 12 School Education (UI) Department dated 7.8.2001. The dispute is only in respect of Category III of the said Government Order. In order to admit the candidates, the Government identified the genuineness of the candidates who have undergone the Teacher Training course on the basis of the list submitted by the respective Institutes presenting the students for examination. On the said basis, the Government considered the records maintained by the Director of Government Examinations, evidencing the

fact that the candidates had taken their examination. Equally, the Government also had taken into consideration of the list forwarded by the respective Institutes presented the candidates for admission and the students could not get admission as by that time, the order of Division Bench de-recognising the Institutes was delivered. There is no difficulty for the Government in identifying these category students for their entitlement for admission to Teacher Training Course on the basis of G.O. Rt. No. 136 Education (UI)Department dated 7.9.2001.

13. The difficulty arose only in respect of the claim of the affected students who did not take their examination conducted by the Government of Examinations or the names were not forwarded by the Institutes presenting the candidates for examination. In such of those cases, the Government had decided to adopt the fair method to find out the genuineness of the admissions of the candidates in the Institutes by verifying the fact as to whether they had undergone the short term refresher course or not. Only for the said purpose, the Government insisted the certificate evidencing the fact that they had in fact undergone the short term course.

14. We have absolutely no doubt as to the power of the Government to evolve a reasonable method/procedure for identifying the candidates for their entitlement for admission to Teacher Training Course in terms of G.O. Rt. No. 136 Education (U1 department dated 7.9.2001. However, how far the Government would be justified in insisting the certificate from the Government Teacher Training Institutes evidencing the fact that the students have undergone their short term course is the further question to be considered. G.O. Ms. No. 685 Education (VI) Department dated 17.7.1993 relates to the short term refresher course. The relevant paragraphs for the disposal of these Writ Petitions are as follows:

(i) the students who have studied in the first year and second year of the Diploma in Teacher Education Course in the de-recognised Teacher Training Institutions, will be admitted in the courses opened in the 286 Government Higher Secondary Schools. After the students undergo a short course of study, the first year and second year students will be permitted to appear for either the first year examination or the second year examination as the case may be in the Public examination to be conducted.

(ii) The first year students will be allowed to pursue their second year course in the same school.

v) The maximum number of students to be admitted in each school will be 40 only.

15. A perusal of the said Government Order shows that the students of the first year and second year of the Diploma in Teacher Education Course in de-recognised Training Institutes will be admitted in the courses opened in 286 Government Higher Secondary Schools and the first year will also be allowed to pursue their second year in the same school. Clause V. of the said Government

Order restricts the admission of only the maximum number of students to be 40. As we have already referred that the affected students are about 38000 and the students could be admitted for Refresher Course was only 11440 (286 x 40) leaving the other students without any benefit of the said Government order. In some of the Writ Petitions, the grievance of the Petitioners is that though requests were made for admission for short term refresher course, there was no response from the schools and consequently, those students were unable to have the refresher course. There is every justification in the said grievance, in view of the fact that as against 38000 students, as per the above Government order, the entitlement of the said benefit is only to 11440 students. Some of the students have expressed their grievance that before they could get admission for the short term refresher course, G.O. Ms. No. 685 dated 16.17.1993 itself was struck down by this Court and therefore, they were unable to undergo the said course. This argument is certainly applicable in the case of first year students as before their names were forwarded for undergoing the said course in terms of the Government Order, the said Government Order itself was struck down by this Court. In these circumstances, though the candidates undergone the course in an Institute which had either permanent recognition or temporary recognition given by virtue of the orders of this Court and the same were subsequently set aside, they could not join the course for the reasons stated above. Therefore, the Respondents would not be justified in insisting the certificate from the schools evidencing the fact that they had undergone the course.

16. We once again emphasise the fact that the above Government Order was issued only to benefit the affected students. We are of the view that the proper course to be adopted by the Government would be to verify as to whether the candidates had in fact joined the Teacher Training Institutes and had undergone the course for the first year as well as the second year. For the purpose of the same, the government is empowered to insist proof from the college evidencing the admissions of students in the college and underwent the course either in the first year or in the second year. In fact, our attention was drawn by some of the Petitioners, by producing admission registers, attendance registers etc., maintained by the respective Institutes in respect of their claim that they had in fact undergone the course in the Institutes which were de-recognised.

17. There is yet another aspect of the matter. For the academic year 2002-2003 the total application under the Category in question viz.. Category III, was 1710. Candidate found eligible by the Government is 1289. The dispute is only in respect of 421 students.

18. For the above reasons, we are inclined to issue the following directions:

The Government though entitled to prescribe a reasonable mode for identifying the genuineness of the candidates as to whether they had undergone the course in the Institutions which were de-recognised by orders of this Court, insistence of the certificate evidencing the fact that the candidates had undergone the short term refresher course cannot be considered as reasonable. The proper course to

be adopted in this case would be to give opportunity to either the candidates or the Institutions to satisfy the Respondents as to whether the candidates had undergone the course by production of the acceptable documents like admission register, attendance register, etc., the candidates can be considered for admission only on the above satisfaction of the authorities without insisting the production of the certificate of completion of refresher course.

19. With the above direction, the Writ Appeal and the Writ Petitions are disposed of. No costs. Consequently, all connected W.P.M. Ps. are closed.

W.A. No. 3378 of 2002 and Batch of W. Ps.

20. After the judgment was pronounced, the Learned Counsel appearing for some of the Petitioners submitted that the candidates should be considered for admission for the ensuing academic year and in this respect, the judgment may be made specific.

21. We have heard the Special Government Pleader on this submission. In view of our order, the directions contained shall be considered for the eligibility of students for the ensuing admissions to be made by the Respondents.