

PETITIONER:

ST. JOHN'S TEACHER TRAINING INSTITUTE(FOR WOMEN). MADURAI ET

Vs.

RESPONDENT:

STATE OF TAMIL NADU AND ORS. ETC. ETC.

DATE OF JUDGMENT 15/06/1993

BENCH:

KULDIP SINGH (J)

BENCH:

KULDIP SINGH (J)

SINGH N.P. (J)

CITATION:

1994 AIR	43	1993 SCR	(3) 985
1993 SCC	(3) 595	JT 1993	(4) 78
1993 SCALE	(3) 10		

ACT:

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Educational Institutions.
Tamil Nadu Minority Schools (Recognition and Payment of Grants) Rules, 1977.
Teachers Training institutes-Grant recognition-Conditions for-Held, institutes having no permanent recognition before issue of the Rules are bound to comply with conditions to quality for permanent recognition-Rules do not infract Articles 14 and 30(1) of the Constitution.
Teacher-Education programme-need for improvement-Emphasised.
Constitution of India 1950.
Articles 14, 19(1) (g), 30(1) Right of minorities to establish educational institutions-Held, right is absolute in terms but subject to regulatory measures-There is no fundamental right to recognition and any institute seeking recognition should abide by the regulations prescribed by the State.
Articles 32, 226-Educational Institutions-Applications for writ of mandamus to grant recognition-Prayer for directions to allow students to appear at examinations meanwhile-Held Courts should not issue flat to allow students of unrecognised institutions to appear at examination pending disposal of writ applications.

HEADNOTE:

The respondent state, in the process of overhauling the methodology of teaching and administration of teachers training institutes in order to achieve qualitative excellence in teacher education, amended the Tamil Nadu Minority Schools (Recognition and Payment of Grant) Rules 1977 by G.O. No.536 dated 17-5-1989 and No. 661 dated 12-6-1991. The Rules besides providing for instructions teaching practice to be followed and minimum qualification for the staff prescribed certain other conditions regarding land, building, hotel

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furniture, library, teaching appliances, sports facilities, recognised middle school for providing teaching practice to trainees, etc. to be satisfied by a teachers training institute to qualify for grant of recognition. The

appellant/petitioners are various Teachers Training Institute in the State of Tamil Nadu. claiming to be minority educational institutions in terms of Article 30(1) of the Constitution of India The State Government declined to recognise these institutions on the ground that they failed to satisfy the conditions for grant of recognition as provided under the Recognition Rules.

The appellants/petitioners filed writ petitions before the High Court challenging the validity of the Recognition Rules on the ground that the same were violative of Articles 30(1) and 14 of the Constitution. It was contended that as the minorities have a fundamental right under Article 30(1) of the Constitution to establish and administer educational institutions of their choice, the conditions provided under the recognitions Rules were wholly arbitrary and were designed to oust the appellants from the educational-field and the provisions were so onerous that it was difficult rather impossible to comply with the same. The High Court dismissed the writ petitions. The appellants/petitioners filed the appeals and the special leave petitions.

It was contended on behalf of the appellants that the Rules could not be made applicable to the institutions already established and given recognition by the State Government under the directions of the Court; and that the successful students of these institutions who had taken examinations be given certificates.

This Court dismissed the appeals and the special leave petitions by its order dated 25-5-1993 indicating that reasons therefor would follow.

Giving reasons for its order dated 25-5-1993, this Court HELD : 1. The High Court was right in holding that none of the conditions for grant of recognition to teachers training institutes prescribed under the Tamil Nadu Minority Schools (Recognition and Payment of Grants) Rules, 1977, infringed Articles 14 & 30(1) of the Constitution. It rightly culled-out the following principles

(i) The fundamental right declared by Article 30(1) of the Constitution is absolute in terms, but subject to regulatory measures;

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(ii) There is no fundamental right under Article 19(1) (g) of the Constitution to establish or administer an educational institution, if recognition is sought therefore;

(iii) The institutions must be educational institutions of the minorities in truth and reality and not mere masked phantoms;

(iv) There is no fundamental right to recognition and an institution seeking recognition should abide by the regulations prescribed by the State as conditions therefor,

(v) The minority institutions must be fully equipped with educational excellence to keep in step with other institutions in the State;

(vi) The regulations framed by the State cannot abridge the fundamental right of the minorities and they should be in the interests (if the minority institutions themselves and not based on State necessity or general societal necessities-.

(vii) The regulations should be, with a view to promoting excellence (of educational

standards and ensuring security of the services of teachers and other employees of the institutions and in the true interests of efficiency (if institutions, discipline, health, sanitation, morality public order and the like;

(viii) Even unaided institutions are not immune from the operations of general laws of the land such as Contract Law Tax measures, Economic Laws and, Social Welfare legislations, Labour and Industrial Laws and similar other laws which are intended to meet the need of the Society.

Kerala education bill, [1959] SCR 995; Rev. Sidhajbai Sabhai s. v. State of Bombay and Anr [1963] 3 SCR 837; S. Azeesh Basha v. Union of India [1968] 1 SCR 833; State of Kerala etc. v. Very Rev. Mother Provincial etc [1971] 1 SCR 734; Regina v. St. Alosius Higher Elementary School and Anr [1971] Supp. SCR 6; The Ahmedabad St. Xaviers College Society and Anr etc v. State of Gujarat and Anr [1975] 1 SCR 173; The Gandhi Faiz-e-am College, Shajahanpur v. University of Agra and Anr. [1975] 2 SCC 283; Lilly Kurian v. Sr. Lewina and 988

Ors. [1979] 1 SCR 320; All Saints High School, Hyderabad etc. etc. v. Government of Andhra Pradesh & Ors. etc [1980] 2 SCR 924; The Managing Board of the Milli Talimi Mission, Bihar Ranchi & Ors v. The State of Bihar & Ors [1985] 1 SCR 410; A.P. Christians Medical Educational Society v. Government of Andhra Pradesh and Anr. [1986] 2 SCC 667 Frank Anthony Public School Employees Association v. Union of India and Ors [1986] 4 SCC 707 All Bihar Christian Schools Association and Anr. v. State of Bihar and Ors. [1988] 1 SCC 206 St. Stephon's College v. The University of Delhi JT(1991) 4 SCC, 548 and Unni Krishnan and Anr. v. State of Andhra Pradesh and Ors. [1993] 1 SCC 45 cited.

2.1 The teacher education programme has to be redesigned to bring in a system of education which can prepare the student-teacher to shoulder the responsibility of imparting educating with a living dynamism and the traditional pattern of "chalk, talk and teach" method has to be replaced by more vibrant system with improved methods of reaching, to achieve qualitative excellence in teacher-education.

N.M. Nageshwaramma v. State of Andhra Pradesh & Anr [1986] Supp SCC 166 Andhra Kesari Education Society v. Director of School Education & Ors (1988) 4 SC 431 and State of Maharashtra v. Vikas Sahebrao Roundale & Ors. J.T.(1992) 5 SC 175, relied on.

2.2 It is entirely for the State Government and not for this Court, to lay down the requirements of a teachers training institute campus. All those institutes which did not have permanent recognition before the issue of the Recognition Rules, 1977 are bound to comply with the said conditions before they are entitled to permanent recognition. The High Court was Justified in holding that the institutions which were operating on the basis of temporary recognitions, either under the orders of the Courts or otherwise, shall have to comply with the recognition rules to enable them to earn recognition. These institutions are neither properly, organised nor fully, equipped to train the teachers. and have done more harm than good to the cause of education.

3.1 In view of the series of the judgments of this Court the Courts should not issue fiat to allow the students of unrecognised institutions to appear the different examinations pending the disposal of the writ

applications. Such interim orders affect the career of several students and cause unnecessary embarrassment and harassment to the authorities, who have to comply with such directions of the Courts.

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A.P. Christians Medical Educational Society v. Government of Andhra Pradesh [1986] 2 SCC 667, relied on.

3.2 The High Court should not have passed interim orders directing authorities concerned to allow the teachers of unrecognised institutions to appear at the examinations. It is a matter of common knowledge that many institutions claiming themselves to be minority institutions within the meaning of Article 30(1) of the Constitution invoke the jurisdiction of the High Court under Article 226 or of this Court under Article 32 for a writ of mandamus to recognise the institutions as minority institutions only when the dates for examinations are notified and, as a part of strategy, seek directions to allow, meanwhile, the students to appear at the examinations. Many of such institutions are not only "masked phantoms" but are established as business ventures for admitting sub-standard students without any competitive tests, on basis of considerations which cannot serve even the interest of the minority. The teachers of such institutions cannot derive any benefit on basis of interim orders when ultimately the main writ applications have been dismissed. As such no equity or legal right can be pleaded on behalf of the students admitted for training by such minority institutions for publication of their results or award of certificates.

A.P. Christians Medical Educational Society v. Government of Andhra Pradesh, [1986] 2 SCC 667; and State of Tamil Nadu and others v. St. Joseph Teachers Training Institute and another, [1991] 3 SCC 87, relied on.

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Civil Appeal Nos. 2914-16 of 1993 etc. etc.

From the Judgment and Order dated 23.3.1993 and 29-3-93 of the Madras High Court in W.P. Nos 15081/91, 8002/92 and 16068/91.

WITH

Civil Appeal Nos.

2937/93

3040-40A-B/93

3026-27/93

3025/93

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3015-24/93

3028/93

3084/93

3002/93

3032/93

2993-94/93

3003-04/93

3086-87/93

2995/93

3005-07/93

2987-89/93

3014/93

3008-10/93

3086-87/93

2940-41/93

3011-301 IA/93

2998-3000/93
2986/93
3101-07/93
2992/93
3108/93
2982-82A/93
2983-85/93
3029-31/93
3093-94/93
2943-44/93
991
2955-57/93
2996-97/03
3042-3080/93
3035/93
3039/93
3041/93
3095/93
3033-34/93
3090-92/93
3096-97/93
2981/93
3088-89/93
2979/93
2976-77/93
2960-61/93
2990/93
2968/93
2958-59/93
2971/93
2978/93
2972/93
2942/93
3082-83/93
2969-70/93
2965-67/93
2991/93
992
2973-75/93
3036-38/93
2962-64/93
3085/93
3127-29/93
3012-13/93
3018/93
2938-39/93
2990/93
2945-54/93

WITH

Special Leave Petition (CIVIL) Nos. 7375, 8009-11, 8108, 7416, 7560-62 OF 1993.

Shanti Bhushan, K.K. Venugopal, Soli J. Sorabjee, N. Santosh Hegde, Shivasubramaniam. K. Parasaran, P. Chidambaram, Mrs. Revathy Raghavan, M.A. Krishna Moorthy, Kailash Vasdev, Pawan Kumar, B. Rabu Manohar, Dr. A. Francis Julian (For M/s. Arputham, Aruna and Co.), P. Chandrasekharan, Aruneshwar Gupta, A. Chandrasekar, Pushpendra Singh Bhati, V. Ramajagadesan, V. Balachandran, V. Krishnamurthy, K.V. Vijaya Kumar, Ajit Kumar Sinha, Selvar thenave, Martin, K.V. Mohan, R. Mohan, R. Nedumaran, and P.D. Dinakaran for the Appellants.

P.R. Seetharaman for the Respondents.

The Judgment of the Court was delivered by

KULDIP SINGH, J. These bunch-appeals are by the Teachers Training Institutes in the State of Tamil Nadu. They claim

to be the minority educational institutions in terms of Article 30(1) of the Constitution of India. The State Government has declined to recognise these institutes on (lie ground that they have failed to satisfy the conditions for grant of recognition as provided under the Tamil Nadu Minor-

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ity Schools (Recognition and Payment of Grants) Rules, 1977 as amended by the Government Order No. 536 dated May 17, 1989 and Government Order No. 861 dated June 12, 1991. (Recognition Rules)

The appellants challenged, before the Madras High Court by way of writ petitions under Article 226 of the Constitution, the validity of the Recognition Rules. inter alia, on the , rounds that the said Rules are violative of Articles 30(1) and 14 of the Constitution of India. A Division Bench of the High Court consisting of M. Srinivasan and Thangamani, JJ, dismissed the writ petitions. M. Srinivasan J., who spoke for the Bench, has given a scholarly judgment. The case-law on the subject has been dealt with in detail and the conclusions culled out succinctly. The High Court judgment has been of utmost assistance to us. These appeals via special leave are by the Teachers Training Institutes against the judgment of the Division Bench of the High Court.

We announced our conclusions in these matters--dismissing the appeals and special leave petitions--on May 25, 1993. Now we proceed to give our reasoned judgment.

The Recognition Rules provide for instructions and teaching practice to be followed, minimum qualifications for teaching and non-teaching staff and the following additional Conditions to be satisfied by a teachers training institute to qualify for grant of recognition

1. The Teachers Training Institute should have at least 10 acres of suitable land of its own to be used for construction of Building for Institution and Administration and for Hostels

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accommodation and staff quarters and also for Play Ground purposes,

2. The Institution Building must consist of suitable rooms to provide for class rooms with roughly 60 sq. feet of carpet area per inmate one Auditorium cum projection hall with an area of about 2000 Sq. feet. Laboratory and Special Rooms. Library Staff-rooms separately for Men and Women staff, Principal's Room, Off-ice Room, Store Room for Craft and Physical Education articles. Toilet facilities separately for men and women and women's Common Room;

3. Bath rooms and toilets should be provided. if the Institution is meant for both sexes separate Such facilities should be provided for

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men and women teaching staff non-teaching staff and men and women candidates. As far as bath rooms and toilets are concerned arrangements should be made at the rate of one for ten inmates.

4. (a) Adequate furniture and office equipment including furnitures for class rooms, Library, Laboratory and other rooms should be provided

to the value of at least a lakh of rupees,
(b) Laboratory equipments worth at least a lakh of rupees should be provided for Science, Geography, Home;

(c) Teaching appliances. audio visual aids, charts, maps etc. worth about Rs. 50,000 should be provided.

(d) Sports/Games/Arts/Music Equipments worth about Rs. should be provided.

(e) Equipment and Material for work experience worth about Rs. 50,000 should be provided.

5. A room with a space of approximately 1000 sq. ft. with sufficient storage space to keep the equipment furnishing to organise various learning situations, and provision to observe the trainees at work in the laboratory situations. without being noticed has to be provided. Sufficient furnitures such as, working tables and almirahs should be provided.

6. Each Teacher Training Institution should have a good library with at least 10,000 volumes of back and reference books worth at least a lakh of rupees:

7. Play ground space for sports, gymnastics and other Physical Education activities with an area about 5 acres should be provided. If the Institute is meant for both sexes, another 3 acres of and should be provided exclusively for women candidates. The Play ground should be provided adjacent to the main Institution building within the campus and not in a remote place away from the Institution,
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8. At least one full fledged recognised Middle School with Standards I to VIII should be functioning under the same management of every Teacher Training Institute seeking recognition, for the purpose of providing teaching practice to the trainees. This will be a precondition even at the time of sending in applications for recognition of Teachers Training Institutes. The practical aspects of the Training will be assessed by a competent board to be constituted by the concerned authority.

9. (a) The need for the opening of the institution in that area will be assessed by a District Committee with a Joint Director nominated by Director of School Education as Chairman with Chief Educational Officer and District Educational Officer/Inspectors of Girls Schools as members as the case may. This committee will submit a report about satisfaction of norms based on which the competent authority will consider Recognition for the institution,

(b) The Authority competent to grant recognition shall take into account the need for granting such recognition to Teacher Training Institutes taking into consideration the trained teachers already available and waiting for appointment and potential to absorb the Teachers to be trained in future in the services of Government and Private

Schools.

10. There should be economic strength as prescribed by the education department. The teachers training institutes should not admit more than forty students in all for the course and should not exceed this limit either in the first or second year.

It was argued before the High Court that as the minorities have a fundamental right under Article 30(1) of the Constitution to establish and administer educational institutions of their choice, the conditions provided under the Recognition Rules are wholly arbitrary and have been designed to oust the appellants from the educational field and the provisions regarding, having a middle school, ten acres of land, play grounds, library with 10,000 books, laboratory, hostel, staff quarters, bathrooms for students etc. etc. are so onerous that it is difficult rather impossible to comply with the same.

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While dealing with the argument based on Article 30(1) of the Constitution of India the High Court discussed in detail the judgments of this Court in Kerala Education Bill [1959] SCR 995, Rev., Sidhajibhai Sabhai & Ors. v. State of Bombay and Anr [1963] 3 SCR 837. S Azeez Basha v. Union of India [1968] 1 SCR 833, State of Kerala etc, v. Very. Rev. Mother Provincial etc, [1971] 1 SCR 734-, Regina v. St. Aloysius Higher Elementary School and Anr, [1971] Supp. SCR 6. The Gandhi Faiz-e-am College, Shahjahanpur v. University of Agra and Anr. [1975] 2 SCC 283, Lilly, Kurian v. Sr. Lewina and Ors, [1979] 1 SCR 820, All Saints High School, Hyderabad etc. etc. v. Government of Andhra Pradesh & Ors. etc [1980] 2 SCR 924; The Managing Board of the Milli Talimi Mission, Bihar Ranchi & Ors. v. The State of Bihar & Ors., [1985] 1 SCR 410, A.P. Christians Medical Educational Society v. Government of Andhra Pradesh and Anr [1986] 2 SCC 667, Frank Anthony Public School Employees Association v. Union of India and Ors, [1986] 4 SCC 707, All Bihar-Christian Schools Association and Anr. v. State of Bihar and Ors [1988] 1 SCC 206; St. Stephen's College v. The University of Delhi JT [1991] 4 SC 548; Unni Krishnan and Anr. v. State of Andhra Pradesh and Ors. Writ Petition (C) No. 607/92 decided on February 4, 1993 and The Ahmedabad St. Xaviers College Society & Anr. etc. v. State of Gujarat and Anr [1975] 1 SCR 173. On the analysis of the above judgments the High Court culled-out the following principles

1) The fundamental right declared by Article 30(1) of the Constitution is absolute in terms, but subject to regulatory measures',

2) There is no fundamental right under Article 19(1) (g) of the Constitution to establish or administer an educational institution, if recognition is sought therefor;

3) The institutions must be educational institutions of the minorities in truth and reality and not mere masked phantoms,

4) There is no fundamental right to recognition and any institution seeking recognition should abide by the regulations, prescribed by the State as conditions therefor;

5) The minority institutions must be fully equipped with educational excellence to keep in step with other institutions in the State;

6) The regulations framed by the State cannot abridge the fundamental right of the minorities and they should be in the interests of

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the minority institutions themselves and not based on State

necessity or general societal necessities;

7) The regulations should be with a view to promoting excellence of educational standards and ensuring security of the services of teachers and others employees of the institutions and in the true interests of efficiency of institutions, discipline, health, sanitation, morality, public order and the like,

8) Even unaided institutions are not immune from the operations of general laws of the land such as Contract Law, Tax measures, Economic Laws, Social Welfare Legislations Labour and Industrial Laws and similar other laws which are intended to meet the need of the Society,

No fault can be found with the above quoted legal principles enunciated by the High Court. Mrs. Kitty Kumar Manglam. Mr. Shanti Bhushan, Mr. K.K. Venugopal. Mr. K. Parasaran, Mr. P. Chindamram and other learned counsel appearing for the appellants fairly conceded that the High Court has correctly summed up the conclusions arising out of the interpretation of Article 30(1) of the Constitution of India.

Before dealing with the Recognition Rules the High Court referred to the Guidelines framed pursuant to the National Educational Policy introduced in the year 1986, the recommendations of the Education Commission (1964-1966), the role of the National Council for Teacher Education under the National Council of Educational Research and Training, the views of various eminent educationists and came to the conclusion that there is a need for drastic change in the basic concept of teachers training in the country. Comprehensive overhauling of administrative structure of these institutions was urgently needed. The High Court dealt with in detail the revised syllabus for the diploma in teacher education course and also the curriculum of the institutes of Education Training set up by the Tamil Nadu Government which shows that the State of Tamil Nadu is in the process of overhauling the methodology of teaching and administration of the teachers training institutes in the State of Tamil Nadu. The High Court referred to various judgments of this Court wherein the importance of teacher training and need to uplift the standard of such institutions was repeatedly highlighted.

The High Court rightly emphasised the need for maintaining very high standards of Education, Sports, administration and maintenance of the Teachers

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Training Institutes. These Institutions are established with the avowed object of training teachers and educationists who have to shoulder the responsibility of moulding the nation. This Court in N.M. Nageshwaramma v. State of Andhra Pradesh & Anr. [1986] Supp SCC 166 observed as under:-

"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 organised and equipped Training Institute is probably essential before a teacher may be duly launched."

Jagannatha Shetty, J. speaking for this Court in Andhra Kesari Education Society v. Director of School Education & Ors. J.T.(1988) 4 S.C. 431 observed as under:

"Though teaching is the last choice in the job market, the role of teacher is central to all processes of formal education. The teacher alone could bring out the skills and intellectual capabilities of students. He is the 'engine' of the educational system. He is a principal instrument in awakening the child to cultural values. He needs to be endowed and energised with needed potential to deliver enlightened service expected of him. His quality should be such as would inspire and motivate into action the benefitter. He must keep himself abreast of ever changing conditions. He is not to perform in a wooden and unimaginative way. He must eliminate fissiparous tendencies and attitudes and infuse nobler and national ideas in younger minds. His involvement in national integration is more important, indeed indispensable. It is, therefore, needless to state that teachers should be subjected to rigorous training with rigid scrutiny of efficiency. It has greater relevance to the needs of the day. The ill trained or sub-standard teachers would be detrimental to our educational system, if not a punishment on our children. The Government and the University must, therefore, take care to see that inadequacy in the training of teachers is not compounded by any extraneous consideration."

In State of Maharashtra v. Vikas. Sahebrao Roundale & Ors., J.T (1992) 5 999

S.C. 175, K. Ramaswamy, J. speaking for this Court observed as under:-

"The teacher plays pivotal role in moulding the career, character and moral fibres and aptitude for educational excellence in impressive young children. The formal education needs proper equipment by the teachers to meet the challenges of the day to impart lessons with latest technics to the students on secular, scientific and rational outlook. A well equipped teacher could bring the needed skills and intellectual capabilities of the students in their pursuits. The teacher is adorned as Gurudevobhava, next after parents, as he is a Principal instrument to awakening the child to the cultural ethos, intellectual excellence and discipline. The teachers, therefore, must keep abreast ever changing technics, the needs of the society and to cope up with the psychological approach to the aptitudes of the children to perform that pivotal role. 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 requirement 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 teacher-education programme has to be redesigned to bring in a system of education which can prepare the student-teacher to shoulder the responsibility of imparting, education with a living dynamism. Education being closely interrelated to life the well trained teacher can instill anesthetic excellence in the life of his pupil. The traditional, stereotyped, lifeless and dull pattern of "chalk, talk and teach" method has to be replaced by a more vibrant system with improved methods of teaching. to achieve qualitative excellence in teacher-education.

Keeping in view the National Policy of Education, the Government of Tamil Nadu has published, a revised syllabus for the diploma in teacher education course. in the Government Gazette of August 15, 1990. The aims and objectives of the said syllabus and curriculum as given by the State of Tamil Nadu are as under:-

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"A sound Programme of Elementary Teacher Education is inevitable for the qualitative improvement of Education. Education must become all effective instrument of social change and the part played by the teacher should be suitable and significant for this purpose. The gap between the Teacher Education curriculum and the school curriculum has to be minimized for enabling the teachers to act as agents of social change which necessitates that the education imparted in schools has relevance to the personal as well as social life of individuals and to "the needs and aspirations of the people. In order to be a catalyst in the process of developing a citizen who is productive and who believes in social justice and national integration, the teacher himself needs to become such a citizen through appropriate learning experience."

The High Court has examined the legality of the impugned Recognition Rules in the above background. It has discussed in detail the object and utility of laying down the impugned conditions for recognition. The High Court has found that none of the conditions infract Articles 14 and Article 30(1) of the Constitution of India. We agree with the reasoning and the conclusions reached by the High Court. This Court cannot go into the question as to whether a Teachers Training Institute should be set up on a campus consisting of 10 acres or 5 acres. It is also not for this Court to lay down the sizes of the class rooms, laboratories, number of toilets or the number of books to be kept in the library. It is entirely for the State Government to lay down the requirements of a teachers training institute campus.

The learned Advocate General appearing for the State of Tamil Nadu has contended that the Recognition Rules are also applicable to Government run teachers training, institutes and also to the institutes which are Government-aided. According to him the new Recognition Policy of the Government has been designed with the object of closing the "teaching shops" and encouraging the genuine institutions. According, to him the policy is based on the Guidelines issued by the Central Government from time to time. He further stated that the condition of having an area of 10 acres for the campus has now been reduced to five acres in

case of the institutions which are set up within the area of Municipal Corporation. He has clarified that the only requirement for setting up the library is that it must have reference books worth at least a lakh of rupees. According to him the number of toilets, bathrooms etc. and other conditions regarding the institute building are in the nature of guidelines and are to be substantially complied with. On our suggestion the learned Advocate General has agreed to command to the State Government, not to insist on additional 3 acres of land in case of 'co-

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educational institutes in case these institutes are having 10 acres/5 acres of area as provided under the Recognition Rules.

Mr. Shanti Bhushan appearing in civil appeals arising out of Special Leave Petitions No. 6762-63/93 has contended that the appellants institutes started functioning in the year 1984. They were refused recognition and as such they challenged the order by way of a writ petition before the High Court. The learned counsel has invited our attention to the judgment of the High Court dated November 3, 1987 in the said writ petition wherein it is held as under

"Consequently, the orders of the respondents 2 and 3 are set aside a writ of mandamus will issue directing the third respondent to grant recognition to the petitioner-institute with effect from 27th September, 1984. This writ petition is allowed with costs."

Mr. Shanti Bhushan contended that the impugned Recognition Rules cannot be made applicable to the institutions which have already been established and given recognition by the State Government under directions of the Court. Relying upon the above quoted judgment of the High Court learned counsel has contended that his clients were given recognition with effect from 1984 under the directions of the High Court and as such the impugned Recognition Rules which came into force in the year 1989 cannot be made applicable to them. It is not disputed by Mr. Shanti Bhushan, that under the directions of the High Court temporary recognition was given to his clients, though according to him the order of the Government granting temporary recognition was challenged before the High Court and the said petition was also disposed of by the impugned judgment. We see no force in the contention of the learned counsel. All those institutes which did not have permanent recognition before the issue of the Recognition Rules are bound to comply with the said conditions before they are entitled to permanent recognition. The High Court was justified in holding that the institutions which were operating on the basis of temporary recognitions, either under the orders of the Courts or otherwise, shall to comply with the recognition rules to enable them to earn recognition.

Mr. K.K. Venugopal contended that a distinction has to be made between the institutions which are functioning earlier to the coming into force of the recognition rules and those which have applied for recognition for the first time. According to him change-over period should be given to the existing institutes which are functioning on the basis of temporary recognition. We do not agree with Mr. Venugopal. The training institutes which are functioning on the basis of

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temporary recognitions are neither properly organised nor fully equipped to train the teachers. These institutes have

done more harm than good to the cause of education. Mr. Venugopal and Mr. K. Parasaran have further argued that the students who have already taken the examinations, their results be directed to be declared and if successful, certificates be awarded to them. Mr. Chindambram, appearing for some of the appellants, has argued that there are students who have already taken the examination and their results have also been declared but they have not been given certificates on the ground that the institutes which sponsored them have not been recognised.

It is no doubt correct that temporary recognitions have been granted to some of the institutions either under the orders of the Court or otherwise and the students of such institutions were permitted to write the examinations. In number of cases under orders of the Court permission to the students to write the examinations have been given. The High Court also directed in some cases to publish the results of the students who wrote the examination in April 1992.. All these situations were brought to the notice of the High Court in Writ Petition No. 3674 of 1992 and Writ Petition No. 5469 of 1993 which were heard together. The High Court refused to grant relief to the students who had written the examination or who had passed the examination and were being denied the certificates. The High Court observed as under

"Based on the above orders, learned counsel for the petitioner contends that the students of the petitioner-Institution have validly written the examination when the order of recognition was in force and the results of the examination have already been published, pursuant to the orders of this Court. It is contended that the students of the petitioner are certainly entitled to the consequential relief of issue of certificates. Another interlocutory application is now filed in WMP No. 5469 of, 1993 on 22.2.93 for a direction to the third respondent to publish the results of the students who wrote the examination held in July 1992. In similar cases, we have given directions to the authorities to publish the results. But, we have taken care to observe that such publication of results will not confer any right on the students as the Institutions have not complied with the rules framed in GOMS. No. 536. They cannot take advantage of the interim orders passed by this court directing the government to grant temporary recognition Orders of such temporary recognition

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are expressly made subject to the result of the main writ petitions. Now, we have held that GO Ms. No. 536 is valid and the orders of temporary recognition will not confer any other remedies on the students of the petitioner. So far as these institutions are concerned, they should be treated only as non-recognised. Just because the students have written the examinations and results are published, they are not entitled to any further relief. The writ petition is dismissed with the above observations".

It has come to the notice of this Court that many institutions claiming themselves to be minority institutions

within the meaning of Article 30(1) of the Constitution, invoke the jurisdiction of the High Court under Article 226 or of this Court under Article 32 for a writ of mandamus to recognise the institutions in question as minority institutions and pending the final disposal of such applications, an interim direction is sought to allow the students of such institutions to appear at the examinations concerned. In connection with such interim prayer, this Court in the case of A. P. Christians Medical Educational Society v. Government of Andhra Pradesh (supra) said:-

"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 management and that they should be permitted to appear at the University examination notwithstanding the circumstance 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 directions 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."

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In view of the aforesaid pronouncement of this Court, the High Court should not have passed, interim order directing the respondents to allow the teachers of unrecognised institutions to appear at the examinations in question. Such teachers cannot derive any benefit on basis of such interim orders, when ultimately the main writ applications have been dismissed by the High Court, which order is being affirmed by this Court. The same view has been expressed by this Court, in connection with the minority unrecognised teachers training institutions in the State of Tamil Nadu itself, in the case of State of Tamil Nadu and others v. St. Joseph Teachers Training Institute and another [1991] 3 SCC 87. As such no equity or legal right can be pleaded on behalf of the Teachers admitted for training by such minority institutions, for publication of their results, because they were allowed to appear at the examinations concerned, during the pendency of the writ applications before the High Court, on basis of interim orders passed by the High Court, which were in conflict with the view expressed by this Court in the aforesaid cases.

We see no ground to differ with the view taken by the High Court. This court in N.M. Nageshramma's case (supra) has

held that training in a properly organised and equipped training institute is essential before a candidate becomes qualified to receive teachers training certificate. Simply passing the examination is not enough. The future teachers of the country must pass through the institutions which have maintained standards of excellence at all levels.

We see so ground to interfere with the impugned judgment of the High Court. We agree with the views expressed by the High Court on various aspects of teachers training institutes. We also agree with the reasoning and the conclusions reached by the High Court.

Before we part with this judgment we consider it necessary to strike a note of caution in respect of passing of interim orders by Courts directing the students of unrecognised institutions, to appear at the examinations concerned. In view of the series of judgments of this Court, the Courts should not issue fiat to allow the students of unrecognised institutions to appear at the different examinations pending the disposal of the writ applications. Such interim orders affect the careers of several students and cause unnecessary embarrassment and harassment to the Authorities, who have to comply with such directions of the Court. It is a matter of common knowledge that as a part of strategy, such writ applications for directions to recognise the institutions in question and in the meantime to allow the students to appear at the examinations are filed only when the dates for examinations are justified. Many of such institutions are not only "masked phantoms" but are

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established as business ventures for admitting sub-standard students, without any competitive tests, on basis of considerations which cannot serve even the interest of the minority. There is no occasion for the Courts to be liberal or generous, while passing interim orders, when the main writ applications have been filed only when the dates for the examination have been announced. In this process, students without knowing the design of the organisers of such institutions, become victim of their manipulations. The appeals/special leave petitions are dismissed. No costs.

R.P.

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Appeals dismissed.