

PETITIONER:
L. MUTHUKUMAR AND ANOTHER

Vs.

RESPONDENT:
THE STATE OF TAMIL NADU AND OTHERS

DATE OF JUDGMENT: 28/09/2000

BENCH:
M. Jagannadha Rao & Shivaraj V. Patil

JUDGMENT:

Shivaraj V. Patil, J.

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Since these petitions raise common questions based on similar set of facts they are being disposed of by this common judgment.

The petitioners filed their respective writ petitions against the respondents praying for the publication of their results and to issue diploma in teachers training, contending that on successful completion of the higher secondary they underwent secondary grade teachers training in different training institutes between the period 1989 to 1991; they had taken public examination in May, 1992 but their results were not published and certificates were not awarded. The institutes in which they had undergone training course had recognition but the same was withdrawn subsequently. The learned single Judge dismissed the writ petitions following the judgment of the Division Bench of the High Court in P.M. Joseph vs. The State of Tamil Nadu and others (Writ Petition No. 9494 of 1992). Writ appeals filed against the order of learned single Judge were also dismissed affirming the view taken by the learned single Judge stating that the petitioners were only entitled to get the results declared and were not entitled to get mark sheets or diplomas/certificates as the institutes in which they had undergone training were de-recognized. Hence these petitions are brought before us in this Court.

The learned counsel for the petitioners urged: -

1. The petitioners having undergone the training course in the institutions, which had recognition on the date of public examination, could not be deprived of their right to obtain mark sheets and diplomas/certificates merely on the ground that those institutes were de-recognized by virtue of a decision rendered by the High Court subsequent to the public examination.

2. The treatment of the respondents was unfair and discriminatory in the case of the petitioners inasmuch as to few others similarly placed the respondents have given diplomas/certificates although with an endorsement that they have undergone training in unrecognized institutes.

The learned counsel for the respondents made submissions supporting the orders impugned in these petitions.

In order to appreciate the rival contentions we consider it useful to refer to the decision in P.M. Joseph's case (supra). In the said judgment the Division Bench of the High Court in para 11 has stated thus: -

"11. We have no doubt that orders or recognition were granted only on extraneous considerations as alleged by the petitioner. We have already referred to the express allegation in paragraph 20 of the petitioner's affidavit that a few officials working in the Secretariat and the Director of School Education issued the orders of recognition as dictated by the Hon'ble Minister for Education. We doubt, the Minister is not a party to this writ petition and we may not be able to investigate the said allegation as against him. But, the Secretary to Government is representing the State as first respondent and the Director of School education is the second respondent. They have not chosen to deny the said allegations in their counter affidavits. The facts referred to by us above as called out from Annexures V and VI filed by the Government at our instance, clearly show that the orders of recognition were passed only on a specific direction from a person in the higher echelons at the ministerial level. Otherwise, the officials, who are before us, would not have been bold enough to pass such orders in utter violation of the provisions of G.O.Ms. Nos.535 and 536 dated 17.5.1989 as well as the rules which were in force prior to the passing of the said G.O.s. Thus, the Government, to say the least, played havoc in the matter of Teacher Training Education and ruined the same. The direct impact would necessarily be on the Secondary Grade Education, as the holders of the Diploma in Teachers Training Education are the persons who are to handle the classes I to VIII in Secondary Grade Schools. The Government has not only failed to do its duty but is guilty of gross abuse of powers."

As is evident from the paragraph 14 of the same judgment that a contention similar to the contention No. 1, urged before us in this case, was raised but it was negatived. The position as to whether the candidates like the petitioners were entitled for the issue of a diploma or certificate was abundantly made clear in paragraph 22 of the said judgment, which reads: -

"22. It may be said that only some of the institutions listed in Annexure V and VI are bogus institutions and the remaining are genuine. But it has been established now that none of the institutions excepting Annai Sathya Teacher Training Institute for Women has fulfilled the requirements of the rules. Hence, we are constrained to quash all the orders of recognition passed by the Government and set out in Annexure V and VI excepting G.O.No.(2B) 6, Education (VI) dated 8-1-1992 in favour of Annai Sathya Teacher Training Institute (W), Periya Kumitti, South Arcot District shown in item No. 115 in Annexure V. If any of the institutions has since fulfilled the requirements of the rules, it is open to them to satisfy the authorities to that effect and seek orders of recognition. If the students of the institutions where recognition has been quashed, have already written the examinations, the results thereof shall be published by the respondents. But, the publication will not confer any right whatever on the institutions or their students to get any consequential relief or benefit such as issue of diploma or certificate of this writ petition, and of an sitting singly

dismissed W.M.P. 13729 of 1992 filed by the petitioner for injunction restraining the publication of results of the examinations held in May, July and August, 1992. The petitioner filed W.A. No. 1209 of 1992 against the said order and the First Bench of this Court passed an order on 23.9.1992 in C.M.P. Nos. 12839 and 12840 of 1992 restraining the respondents from issuing certificates to the candidates who wrote the examinations until further orders while permitting them to declare the results of the examinations. In the circumstances, we direct the students of the institutions, the recognition of which has now been quashed, by this order, are not entitled to get certificates or diplomas from the respondents."

(Emphasis supplied)

This Court in *St. John's Teachers Training Institute (for women), Madurai and others vs. State of Tamil Nadu and others* dealing with conditions for recognition of minority teachers training institutes laid down under Tamil Nadu Minority Schools (Recognition and Payment of Grant) Rules, 1977, in para 9 has stated thus: -

"9. The High Court rightly emphasised the need for maintaining very high standards of Education, Sports, administration and maintenance of the Teachers 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 organized and equipped Training Institute is probably essential before a teacher may be duly launched."

Jagannatha Shetty, J. speaking for this Court in *Andhra Kesari Educational 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 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."

As can be seen from paragraph 16 in the said case also learned senior counsel representing the parties pleaded that the results of the students, who had already taken the examinations, be directed to be declared and if successful, certificates be awarded to them. Not accepting the said argument this Court in para 19 has held thus: -

"19. 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."

Thus looking to the decision of the Division Bench of the High Court in P.M. Joseph's case and the decision of this Court in St. John's Teachers Training Institute's case abovementioned, it is clear that even the candidates who had written the examination at the time when their institutes had recognition, were not entitled for diplomas/certificates consequent upon de-recognition of their institutions subsequently and that such candidates were only entitled for publication of the results of the examination taken and nothing more.

The learned single Judge in these cases of the petitioners, consistent with the legal position covered by the decisions aforementioned was right in taking the view that the petitioners were entitled only for the declaration of the results of the examination and on account of subsequent de-recognition of the institutes in which they underwent training courses were not entitled for issuance of mark sheets or diplomas. The Division Bench of the High Court had no good reason to disturb the orders passed by the learned single Judge.

The learned counsel for the petitioners relied on a decision of the same learned single Judge of the High court in the case of Jhansi Rani and others vs. The Secretary, The Director of Government Examinations, Chennai and others . In our view this decision does not help the petitioners. That was a case in which petitioners sought a writ of mandamus directing the respondents to issue duplicate certificate of the teacher training examination, which was held before 1989 contending that certificates issued to them earlier, were lost. This judgment was delivered by the learned single Judge on 17th November, 1997. S.S. Subramani, J. the same learned Judge in the case of D. Balamurugan and others vs. The State of Tamil Nadu and others delivered judgment on 19th January, 1998 following the case of P.M. Joseph (supra) rejecting the prayer of the petitioners to issue mark sheet and diploma.

Yet in the case of The Director of School Education vs. A. Dennis Lilly Burk Mary and others a Division Bench of the same High Court has held thus: -

"It is not necessary for us to go through the history of the Teacher Training Institutes in the State of Tamil Nadu, except to say that they found their Waterloo when a public interest litigation was commenced in respect of such Teacher Training Institutes in the State and the Division Bench had occasion to go through the entire history of the Teacher Training Institutes in the State. Therefore, so far as the students of the 5th respondent institute is concerned, the question had been well and squarely decided once for all by the Division Bench. The judgment of the Division Bench has been acclaimed by the Apex Court and was affirmed. There is no room for extending any sympathy in favour of such institutes or the students, who are said to have been trained in such institutes. In fact, this particular school, viz., the 5th respondent - school had disobeyed every order of the school authorities even at the time of the grant of temporary recognition. Temporary recognition was in fact granted only for admitting 40 students. Admittedly the school entertained more than 200 students in the class only to benefit themselves. Any amount of criticism and comments by this Court only seem to fall on deaf ears. The petitioners can only get at the hands of the Court, direction to the respondents to publish the results and nothing more. In other words, as observed by the Division Bench, it is made clear that the students are not entitled to get any certificates or diplomas from the appellants."

(Emphasis supplied)

We may add here that, in relation to teachers training

course, mere passing of public examination is not enough. It must be coupled with proper training in a recognized institute in order to get meaningful and purposeful results.

Hence the first contention urged by the learned counsel for the petitioners, in our view, is untenable and consequently it is rejected.

As regards second contention we asked the learned counsel for the petitioners as to what is the use or advantage of getting the diploma/certificate, which will contain an endorsement that a candidate has studied in an unrecognized institute. He submitted that might be the candidates will get employment in some private schools. In the counter affidavit filed by the respondents reference is made to the case of P.M. Joseph and the case of St. John's Teacher Training Institute and it is stated that in view of the said judgments petitioners cannot seek direction to get mark sheet or diploma/certificate. Further the petitioners were bound by the Division Bench judgment of the High Court delivered on 27.4.1993 (P.M. Joseph's case) as the institutions in which the petitioners underwent training courses were de-recognized and that such candidates were only entitled to get their results of the examination published and were not entitled for issuance of either mark sheets or diplomas/ certificates. The petitioners could not approach the High Court again for the same relief after a period of six years. Paragraph 5 of the counter affidavit reads:-

"It is therefore submitted that in view of the facts and circumstances stated above the petitioners are not entitled to have the indulgence of this Hon'ble Court for an order enabling them to get mark sheet and the diploma with an endorsement that the petitioners studied in an unrecognized institution. It is further submitted that the said certificate with such endorsement will not serve any purpose to the petitioners but on the other hand the issuance of such certificate will give room for manipulations as there are thousands of students whose results had been declared but they were not provided with Diploma certificate or mark sheet as per the judgment of the Division Bench of the Hon'ble High Court of Madras. It is respectfully submitted that the release of mark sheets and diplomas with an endorsement that the petitioners studied in an unrecognized institution will also go against the verdict of the Supreme Court. It will also be against the basic principles that the training should be had only in fully equipped institutions which have been duly recognized. It is likely that the candidates may attempt to misuse such certificates. The petitioners have no legal claim at all even for such certificates i.e. certificates with endorsements."

Having regard to the specific stand of the respondents and in the light of the Division Bench judgment of the High Court in the case of the P.M. Joseph which was affirmed by this Court in Civil Appeal Nos. 2914-16 of 1993 decided on June 15, 1993 (St. John's Teachers Training Institute case) aforementioned no mark sheet or diploma/certificate can be issued. Further two special leave petitions filed against the same judgment of the High Court (SLP No. 10110/93 and 9421/93) were also dismissed by this Court on 4.10.1993 and 19.7.1993 respectively. It is not expected that the respondents would issue diplomas/certificates with the

endorsement to other candidates. Assuming that in few cases such mistakes are committed in issuing diplomas/certificates with the endorsement that the Teacher Training Institute in which a student studied is not recognized by the Director of School Education, Government of Tamil Nadu, such mistakes cannot be allowed to be repeated or perpetuated in the light of the judicial pronouncements referred to above, which have become final. Added to this, the institutes where the Petitioners underwent training which were de-recognized by virtue of judgment in P.M. Joseph's case were covered by the said judgment. Hence the Petitioners cannot escape but are bound by the said judgment. Their seeking writ of mandamus for issuance of mark sheets and/or diplomas/certificates contrary to the said judgment, that too after a period of six years, could not be granted by the High Court and rightly so in our opinion. We are of the considered opinion that before teachers are allowed to teach innocent children, they must receive appropriate and adequate training in a recognized training institute satisfying the prescribed norms, otherwise standard of education and career of children will be jeopardized. In most civilized and advanced countries, job of a teacher in primary school is considered important and crucial one because moulding of young minds begins in primary schools. Allowing ill-trained teachers coming out of derecognised or unrecognized institutes or licensing them to teach the children of impressionable age, contrary to the norms prescribed, will be detrimental to the interest of the nation itself in the sense that in the process of building a great nation, teachers and educational institutions also play vital role. In cases like these, interest of individuals cannot be placed above or preferred to larger public interest. Thus considering all relevant aspects, Petitioners' prayers cannot be granted. Hence we do not find any substance in the second contention urged by the learned counsel for the petitioners.

In the light of what is stated above, we do not find any merit in these petitions. Hence these are dismissed but without costs.