

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Review Application (Writ) No.659 of 2017
and W.P.No.32940 of 2013

Review Application (Writ) No.659 of 2017

M.Muniappan

.. Review Applicant

Vs

1.The State of Tamilnadu,
Rep. by Secretary to Government,
Education Department,
Fort St. George, Chennai - 9

2.The Director of Teachers' Education
and Research, DPI Campus,
College Road, Chennai-6.

.. Respondents

PRAYER: Review Application filed under Order 47 Rule 1 read with Section 114 of the CPC to review the Order dated 12.08.2014 passed in W.P.No.31847 of 2012 and direct the respondent to evaluate and pass appropriate orders on the representation dated 06.11.2012 submitted by the petitioner about his TET Certificate issued by the Bharathia Siksha Parishad.

W.P.No.32940 of 2013

M.Muniappan

.. Petitioner

Vs

1.The State of Tamilnadu,
Rep. by Secretary to Government,
Education Department,
Fort St. George, Chennai-9.

2.The Registrar,
University of Madras,
Chepauk, Chennai – 5.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus directing the 2nd respondent herein to consider and pass orders on the petitioner evaluation application dated 13.02.2013.

For Review Applicant : Ms.S.Girija
and writ petitioner

For Respondents : Mr.R.Govindasamy
Spl. Government Pleader
for respondents 1 and 2
in Review Appln.659/2017
and 1st respondent
in W.P.No.32940 of 2013

Mr.R.Gopinath
for 2nd respondent
in W.P.No.32940 of 2013

ORDER

The petitioner in the writ petition (W.P.No.31847 of 2012) has filed this review application seeking to review the order dated 12.08.2014 passed in W.P.No.31847 of 2012.

2. The petitioner has filed writ petition (W.P.No.31847 of 2012) to direct the second respondent to consider and pass orders on his representation dated 06.11.2012 to evaluate his Diploma in Teacher Education and consider him for the post of Secondary Grade Teacher.

3. It was the case of the petitioner that he joined Diploma in Teacher Education in Shanthi Nikethan Teacher Training College, Aathur, Salem District, which is affiliated to Bhartiya Shiksha Parishad, an University at Lucknow, Uttar Pradesh, which was recognized by the National Council for Teacher Education and, therefore, his Diploma in Teacher Education should be evaluated as in the case of other Teachers, who got Diploma from other States.

4. By order dated 12.08.2014, a learned Single Judge of this Court dismissed the writ petition, holding that the University in which the petitioner studied was not recognized by the National Council for

Teacher Education.

5. The learned counsel for the review applicant submits that the University of Bharathia Shiksha Parishad, Lucknow is still functioning and conducting the courses and the same is evident from the communication dated 05.04.2013 sent by the said University to the review applicant, wherein it is specifically stated that the certificates issued by the said Parishad are valid for the purpose of admission to higher courses and for employment.

6. It is further submitted that the said communication dated 05.04.2013 clearly states that the issue relating to recognition of Teacher Training Certificates issued by Bharathia Shiksha Parishad by NCTE is being dealt with in W.P.No.744 of 1991 and the same is pending before the Allahabad High Court, wherein interim orders have been issued allowing Bharathia Shiksha Parishad to carry on the courses. Therefore, it is submitted that the issue of recognition of the said institution is *sub judice*.

7. It is further submitted that the High Court of Patna, Bihar, while considering identical issue in C.W.J.C.No.14813 of 2006, etc.

batch, by order dated 31.05.2007, directed the respondents therein to consider and process the candidature of the writ petitioners therein for appointment as Teachers, pending consideration and final decision by the State on the question of recognition of Bharathia Shiksha Parishad, Lucknow, as a recognized institution.

8. It is the specific case of the review applicant that the said vital facts could not be placed before the learned Single Judge while disposing of W.P.No.31847 of 2012, despite due diligence, and, therefore, the order passed in the writ petition needs to be reviewed by directing the respondents to evaluate and pass orders on the representation dated 06.11.2012 submitted by the petitioner.

9. Likewise, the petitioner has filed W.P.No.32940 of 2013 seeking to direct the respondents to consider his representation dated 13.02.2013, in and by which, he wanted evaluation of his certificates pertaining to B.Lit., M.A. and B.Ed., all obtained from the very same Bhartiya Shiksha Parishad, an University at Lucknow, Uttar Pradesh.

10. I heard Ms.S.Girija, learned counsel for the review applicant/writ petitioner and Mr.R.Govindasamy, learned Special

Government Pleader for respondents 1 and 2 in Review Application No.659 of 2017 and 1st respondent in W.P.No.32940 of 2013 and Mr.R.Gopinath, learned counsel for the 2nd respondent in W.P.No.32940 of 2013 and perused the entire records.

11. In the review application, the review applicant is seeking review of the order dated 12.08.2014 passed in W.P.No.31847 of 2012. Admittedly, prior to the passing the said order in the said writ petition, the Bhartiya Shiksha Parishad, Lucknow, Uttar Pradesh, addressed a letter dated 05.04.2013 to the petitioner, regarding validity of courses of Bhartiya Shiksha Parishad, in response to his query, specifically stating that Bhartiya Shiksha Parishad is conducting various courses, including B.A./M.A., B.Ed./D.T.E., etc. and various Universities and Educational Boards and Governments have given permission of admission and employment as well in their Boards and Universities as per their qualifications for higher studies.

12. In the very said communication, it is specifically stated that the Allahabad High Court, sitting at Lucknow, in W.P.No.2716 of 1997 has given order against NCTE to carry on the Teachers Training Programme and the said order is operating.

13. That apart, the Official Memorandum dated 13.01.2003 of the Bharathidasan University shows that B.Ed. and M.Ed., degrees awarded by Bhartiya Shiksha Parishad (U.P.) are equivalent to B.Ed. and M.Ed. Degrees awarded by Bharathidasan University, Tiruchirappalli.

14. Moreover, in W.P.No.467 of 2006, by order dated 06.01.2006, this Court directed the second respondent herein to evaluate the Teachers Training Certificate of the petitioners therein in the light of G.O.Ms.No.62, School Education Department, dated 16.05.2002, within a period of four weeks therefrom.

15. Furthermore, the High Court of Patna in C.W.J.C.No.14813 of 2006, by order dated 31.05.2007, held as under:

"15.... the respondents are directed to consider and process the candidature of the writ petitioners for their appointment as Teachers under the aforesaid Teachers' Appointment Rule, 2006 pending consideration and final decision taken by the State on the question of recognition of Bhartiya Shiksha Parishad, Lucknow, U.P., as a recognised institution.

16. However, it goes without saying that in case any adverse decision is proposed to be taken with regard to the appointment of the concerned candidates, including the writ petitioners on the question of the aforesaid teachers training certificate action should be taken in accordance with law after following the rule of natural justice."

16. All these factors, despite due diligence adopted by the petitioner could not be placed before the Court at the time of disposal of the writ petition (W.P.No.31847 of 2012) and non-consideration of the decisions of this Court and the decision of the High Court of Patna and High Court of Allahabad on the very same issue, is a mistake apparent from the record.

17. Under such circumstances, this Court is of the view that in the light of the decisions, supra, the case of the review applicant/petitioner should be considered in the light of the aforesaid decisions rendered by various Courts and communication issued by the Bhartiya Shiksha Parishad, an University at Lucknow, Uttar Pradesh.

18. For the foregoing reasons, the review application and the

writ petition are allowed and the concerned respondents are directed to consider the representations of the review applicant/writ petitioners dated 06.11.2012 and 13.02.2013, in the light of the decisions, supra, and the letter of Bhartiya Shiksha Parishad, an University at Lucknow, Uttar Pradesh. Such orders, in accordance with law, shall be passed by the respondent authority within a period of eight weeks from the date of receipt of a copy of this order. No costs.

20.09.2017

Note: Issue order copy on 09.03.2018
vs

Index : Yes
Internet : Yes

To

1. The Secretary to Government,
Education Department,
Fort St. George, Chennai - 9
2. The Director of Teachers' Education
and Research, DPI Campus,
College Road, Chennai-6.

M.V.MURALIDARAN, J.

VS

Review Application (Writ) No.659 of 2017
and W.P.No.32940 of 2013

20.09.2017