

**CWP No. 20562 of 2017 and
other connected cases**

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In the High Court of Punjab and Haryana at Chandigarh

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**CWP No. 20562 of 2017
Date of Decision: 07.03.2019.**

Sushma Rani and others

.....Petitioners

Versus

National Council for Teacher Education
and others

.....Respondents

CWP No. 22984 of 2017

Davinder Sharma and others

.....Petitioners

Versus

National Council for Teacher Education
and others

.....Respondents

CWP No. 1800 of 2018

Vikas Sharma and others

.....Petitioners

Versus

National Council for Teacher Education
and others

.....Respondents

CWP No. 21073 of 2017

Raman Kumar and others

.....Petitioners

Versus

National Council for Teacher Education
and others

.....Respondents

**CWP No. 20562 of 2017 and
other connected cases**

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CWP No. 26360 of 2017

Guru Datt and others

.....Petitioners

Versus

National Council for Teacher Education
and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Mr. P.R. Yadav, Advocate for the petitioner(s) in
CWP-20562-2017 and CWP-21073-2017.

Mr. Gautam Kaile, Advocate for the petitioner(s).

Mr. B. D. Sharma, Advocate for the petitioner(s).

Mr. Rajesh K. Sheoran, Advocate for
Board of School Education, Bhiwani (Haryana) in
CWP-1800-2018 and CWP-26360-2017.

Mr. B. R. Mahajan, Advocate General, Haryana with
Ms. Shruti Jain, DAG, Haryana and
Mr. Vivek Saini, DAG, Haryana.

A.B. CHAUDHARI, J (ORAL)

This order shall dispose of all the five writ petitions i.e. CWP-20562-2017, CWP-22984-2017, CWP-1800-2018, CWP-21073-2017 and CWP-26360-2017.

Heard learned counsel for the rival parties.

Learned Advocate General for the State of Haryana made a statement categorically on the issue raised in the present petition and particularly the Advertisement No.7/2016 and stated that vide order dated 27.04.2018 the said advertisement itself has been cancelled.

In support of his statement, he has relied on a letter issued by the Secretary (Legal), Haryana Staff Selection Commission, Panchkula dated 06.02.2019. We have seen that letter.

It appears after hearing learned counsel for the rival parties, inter alia, that there is a challenge to the guidelines issued by the NCTE qua the minimum qualification. It cannot be disputed that NCTE is the apex body whose guidelines etc. are ordinarily binding upon the State Government. It is thereafter State has framed Rules.

In the present case, State of Haryana framed the rules in the light of the guidelines issued by the apex body i.e. NCTE. Then advertisement No.7/2016 was issued by the Government. The challenge is, therefore, composite namely to the advertisement No.7 of 2016 as well as the guidelines of NCTE in respect of which this Court has made prima facie observations in its order while issuing notice of motion. However, now there is a subsequent development inasmuch as the said advertisement No.7 of 2016 stands cancelled.

In our firm opinion, if the advertisement No.7 of 2016 itself has been cancelled, the cause of action for the petitioners has come to an end.

Learned counsel for the petitioners, however, has repeatedly asked this Court to decide the validity of the guidelines and Rules which are the subject matter of the present petition. We, however, feel that it would be merely academic to do so. The law is well settled that the academic question cannot be decided.

Learned counsel for the petitioners then raised an apprehension that the respondent may issue fresh advertisement that would prejudice the
petitioners.

We, therefore, clarify that if there is a fresh cause of action for the petitioners, certainly the petitioners have a right to file a fresh writ petition on a fresh cause of action. Obviously, all the points raised in the present petition and the challenges are kept open.

We, therefore, dispose of all these writ petitions granting liberty to the petitioners to approach this Court as and when the cause of action arises.

**(A.B. CHAUDHARI)
JUDGE**

**(ANUPINDER SINGH GREWAL)
JUDGE**

March 07, 2019

A.Kaundal

Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No