



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.10837 of 2021
and W.M.P.No.11469 of 2021

M.Muniappan

... Petitioner

Versus

1. The State of Tamil Nadu
Rep by its Principal Secretary to Government,
Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of Teacher Education and Research,
DPI Campus, College Road,
Chennai - 600 006.
3. The Registrar,
University of Madras,
Chepauk, Chennai - 600 009.
4. Bharathiya Siksha Parishad,
Represented by its Registrar,
2/268, Gomathi Nagar,
Vishwas Khand, Lucknow-227 105.
Uttarpradesh.
5. Shanthi Nikenthan Professional Training Centre,
Attur,
Salem District

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records of the second respondent in Na.Ka.No.2813/m3/2012 dated 19.06.2018 and to call for the records of the third respondent in EQC/Mun/April 2018 033 dated 24.04.2018 and quash the same and directed the 2nd and 3rd respondents to issue evaluation equivalent certificate to the petitioner.

For Petitioner : Mr.R.Ravichandran



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For Respondents: Mr.K.H.Ravikumar
Govt. Advocate
For R.1 and R.2
Mr.M.Palanimuthu
For R.3

ORDER

This writ petition has been filed challenging the order dated 24.04.2018 passed by the third respondent rejecting the petitioner's application dated 13.02.2013 requesting for issuance of Equivalent Certificate for the degrees B.Lit, M.A and B.Ed obtained by the petitioner from the fourth respondent.

2. The third respondent has rejected the petitioner's application on the ground that the fourth respondent is not a recognized University by the University Grants Commission. The petitioner has challenged the impugned order on the ground that the directions issued by this Court on 20.09.2017 in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 have not been followed in letter and spirit. He has also challenged the impugned order on the ground that it is a non-speaking order.

3. A counter affidavit has been filed by the second respondent denying the allegations of the petitioner and they have stated as follows:-

(a) That the fourth respondent is not recognised by NCTE and therefore, the petitioner is not entitled to have the benefit of evaluating his certificate in terms of G.O.Ms.No.1236, Education dated 17.09..1984 and G.O.(ID)No.26 Education dated 21.02.2003;

(b) The Hon'ble High Court of Allahabad by its judgment dated 21.04.2009 in CM W.P.No.15797 of 2004 in the case of Om Prakash Sharma vs State of Uttar Pradesh and others, has issued directions to close the fourth respondent and take appropriate criminal action against the persons in charge of the affairs of the fourth respondent for misrepresentation and fraud.

© The petitioner's diploma in Teacher Education Certificate could not be evaluated and therefore, the petitioner is not eligible to attend the Teachers Eligibility Test conducted by the Teachers Recruitment Board.



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d) Madurai Bench of this Court in its Order dated 09.08.2012 made in W.P (MD) No.8412 of 2006 has held that the fourth respondent has not been recognized for imparting teacher education by the competent authority, the petitioner, therein, has no legal or statutory right to seek for evaluation of B.Ed Degree certificate.

4. Heard Mr.K.H.Ravi Kumar, learned Government Advocate for the respondents 1 and 2 and Mr.M.Palanimuthu, learned counsel for the third respondent.

5. Learned Government Advocate appearing for the respondents 1 and 2 has placed before this Court a Letter dated 29.07.2005 sent by NCTE to the second respondent informing the second respondent about the order passed by the High Court of Allahabad against the fourth respondent referred to supra. He would submit that being an unrecognised Institution, the request made by the petitioner for equivalent certificate has been rightly rejected under the impugned order.

6. However, the learned counsel for the petitioner would submit that a clear direction was issued by this Court in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 that final orders have to be passed in the light of the decisions rendered by various Courts and communications issued by the fourth respondent which was referred in the said order passed by this Court on 20.09.2017. According to him, under the impugned order, none of those orders were considered and therefore, it is a non-speaking order. The operative portion of the order dated 20.09.2017 passed by this Court in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 is extracted hereinunder:-

" 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 Bharatiya 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



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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."

7. As seen from the aforementioned order, a direction was issued to the respondents 1 and 2 to consider the petitioner's application, seeking for issuance of equivalent certificate in the light of the decisions rendered by the learned counsel for the petitioner in that writ petition as well as the communication issued by the fourth respondent. However, as seen from the impugned orders dated 19.06.2018 and 24.04.2018 issued by the respondents 2 and 3 respectively, the decisions which are reflected in the order dated 20.09.2017 passed by this Court in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 have not been considered, but, instead, the petitioner's application has been rejected only on the ground that the fourth respondent is not a recognized University. The respondents 2 and 3 ought to have considered the decisions relied upon by the learned counsel for the petitioner, which is reflected in the order dated 20.09.2017 in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013. Since the same has not been considered, this Court is of the considered view that the impugned order is a non-speaking order with regard to the decisions which are reflected in the order dated 20.09.2017.

8. Though the reasons given by the respondents 2 and 3 for rejecting the petitioner's application, seeking for equivalent certificate seems to be reasonable in view of the fact that the fourth respondent is not recognized by NCTE, the respondents 2 and 3 ought to have followed the directions issued by this Court in letter and spirit by giving due consideration to the decisions which are reflected in the order dated 20.09.2017 passed in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 and they having not done so in the impugned order insofar as those decisions are concerned, the impugned order is a non-speaking one.

9. Since the directions issued by this Court in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 dated 20.09.2017 have not been followed in letter and spirit, the impugned orders will have to be necessarily quashed and the matter remanded back to the respondents 2 and 3 respectively for fresh consideration by giving due consideration to the directions issued by this Court on 20.09.2017 in Review Application (Writ) No.659 of 2017 and W.P.No.32940 of 2013 in letter and spirit. The respondents 2 and 3 shall pass final orders within a period of eight weeks from the date of receipt of a copy of this order.



10. With the aforesaid direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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Uttarpradesh.
5. The Shanthi Nikenthan Professional Training Centre,
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Salem District

+1cc to Mr.R.Ravichandran, Advocate, S.R.No.35220
+1cc to Government Pleader S.R.No.35369 (21/06/2022)

W.P. No.10837 of 2021

VG-II(CO)
CT/20/06/2022