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Writ Petition No.23309 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01/12/2022

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition Nos.19839, 19840, 21116, 21117, 21118, 21119, 21120, 21121, 21179, 21591, 21592, 21593, 21594, 21595, 21596, 21597, 21598, 21683, 21684, 21685, 21686, 21687, 21696, 21697, 21698, 21699, 21700, 21807, 21808, 21809, 21810, 21811, 21812, 21813, 21814, 21815, 21832, 21915, 21916, 21917, 21918, 21919, 21920, 21921, 21922, 21923, 21924, 21930, 21931, 21932, 21933, 21934, 21993, 21994, 21995, 21996, 21997, 21998, 21999, 22000, 22001, 22002, 22020, 22021, 22115, 22116, 22117, 22118, 22119, 22120, 22121, 22122, 22123, 22124, 22125, 22126, 22127, 22128, 22129, 22130, 22276, 22277, 22278, 22279, 22298, 22299, 22300, 22301, 22302, 22303, 22304, 22305, 22306, 22307, 22319, 22320, 22321, 22322, 22323, 22324, 22325, 22326, 22327, 22434, 22435, 22436, 22437, 22438, 22439, 22440, 22451, 22452, 22453, 22454, 22455, 22456, 22457, 22458, 22459, 22460, 22484, 22485, 22486, 22487, 22488, 22489, 22490, 22491, 22492, 22493, 22584, 22590, 22591, 22592, 22593, 22594, 22595, 22596, 22597, 22598, 22599, 22606, 22607, 22608, 22609, 22610, 22611, 22612, 22613, 22614, 22615, 22799, 22800, 22801, 22802, 22803, 22804, 22805, 22806, 22807, 22808, 22809, 22810, 22811, 22812, 22813, 22814, 22815, 22816, 22817, 22818, 22963, 23049, 23050, 23051, 23052, 23053, 23054, 23055, 23056, 23057, 23058, 23070, 23071, 23072, 23073, 23074,



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25973 of 2017 & connected miscellaneous petitions

Association of Unaided B.Ed. College
And Teacher Training Institutions of
Pondicherry Union Territory,
Represented by its Chairman Mr.J.Narayanan,
Having Office at Vivekanandha College of Education,
E.C.R., Lawspet, Pondicherry – 607 402.

... Petitioner

Vs

1. The National Council for Teacher Education,
Rep. by its Member Secretary, Hans Bhaawan,
Wing II, 1, Bhahadur Shah Zafar Marg,
New Delhi – 110 002.
2. The Regional Director,



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Southern Regional Committee,
National Council for Teacher Education,
Jnanabarathy Campus Road,
Opp to National Law School, Nagarabhavi,
Bangaluru – 560 072.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents or their agents from in any manner implementing decision taken in the 46th General Body Meeting held on 28.03.2017, which is notified in the gazette dated 09.06.2017, by the respondent before the completion of the process of the committee constituted by the First respondent as assured before this Court in W.P.No.999 of 2015 and Order dated 23.02.2016 and as per Public Notice dated 03.10.2016 again reiterated by the respondent vide No. F 64-7/2015/NCTE/Legal – Vol-III dated 27.07.2017 for giving recommendations for alterations, modifications or deletions to the Regulations of 2014, superseded by Regulation 2017.

For petitioners	... Dr.Fr.A.Xavier Arulraj, Senior Counsel for Ms.A.Arul Mary Mr.R.Kannan, Mr.P.Ebenezer Paul Mr.Kandhan Dorasami Mr.P.Srinivas Mr.K.Ramesh Kumar Mr.Pawan Jhabakh Mr.N.K.Ponraj Mr.P.Nagaraju Mr.B.Balavijayan - in all cases
For respondents	... Mr.Su.Srinivasan



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Senior Standing Counsel of NCTE,
& Mr.J.Harikrishna &
Mr.R.Thirunavukkarasu
Standing Counsel of NCTE – for R1
in all cases

Mr.S.Bhuvaneswari
Standing Counsel of Tamilnadu
Teachers Education University – in all cases

COMMON ORDER

These Writ Petitions have been filed forbearing the respondents or their agents from in any manner implementing decision taken in the 46th General Body Meeting held on 28.03.2017, which is notified in the gazette dated 09.06.2017, by the respondent before the completion of the process of the committee constituted by the First respondent as assured before this Court in W.P.No.999 of 2015 and Order dated 23.02.2016 and as per Public Notice dated 03.10.2016 again reiterated by the respondent vide No. F 64-7/2015/ NCTE/Legal – Vol-III dated 27.07.2017 for giving recommendations for alterations, modifications or deletions to the Regulations of 2014, superseded by Regulation 2017.

2. Originally when the Writ Petitions have been filed in various High Courts, transfer petitions have been filed in Transfer Petition [s] [Civil] No [s]. 1728 – 1733 of 2017, before the Honourable Supreme Court, wherein the



Honourable Supreme Court has held as follows :

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“All the Transfer Petitions that have been filed before this Court whether, before today or today, shall stand transferred to the Delhi High Court.”

However, these matters are kept pending before this Court in which few of them are subject matters of the transfer petitions waiting for the outcome of the judgment of the Delhi High Court. All the matters transferred are disposed of by the Delhi High Court by an Order dated 19.09.2019 on the ground that since the National Council for Teacher Education have withdrawn circulars, the Transfer Petitions have been disposed of. These Writ Petitions have been filed challenging not only with regard to the circular relating to powers of quality control but also some of the regulations of the year 2014. Therefore, these matters are kept pending before this Court.

3. When the matters are taken up today, the learned Senior Counsel Mr.Xavier, appearing for the petitioners submitted that as far as the challenge to the circular to Quality Council of India is concerned, the circular has been withdrawn by the National Council for Teacher Education in view of the Order of



the Delhi High Court, on 19.09.2019, the Writ Petitions become infructuous.

Further he submitted that the regulations were amended subsequently in the year 2017, 2019 and 2021 and implemented. Therefore, submitted that the Writ Petitions have become infructuous.

4. Though the challenge has been made to the regulations of the year 2014, the regulations itself based on the recommendations made by Verma Commission. In this regard it is relevant to refer to the judgment of the Delhi High Court in **Laxmi College of Education Vs. National Council for Teacher Education and another in W.P. [C] 766/2019 and CM No.31863 of 2019**, wherein it has been held as follows :

“31. The report of the Verma Commission was filed, before the Supreme Court, in SLP (C) 4247-4248/2009 supra which, vide its order dated 10th October, 2012, noted that it had carefully gone through the recommendations of the Verma Commission and were "of the view that the same deserves to be accepted". The following passages, from the order, dated 10th October, 2012, of the Supreme Court, merit reproduction:

"The learned Solicitor General pointed out that the High-Powered Commission appointed pursuant to the directions given by



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the Court has submitted its report in three volumes. The report of the Commission has been taken on record.

We have carefully gone through the recommendations made by the Commission and are of the view that the same deserves to be accepted.

With a view to enable the Government of India and NCTE to indicate the steps proposed to be taken for implementation of the recommendations made by the Commission, we deem it proper to adjourn the case for two months within which affidavits of the competent authorities be filed on the issue of implementation of the recommendations of the Commission."

(Emphasis supplied)

32. In its subsequent order, dated 29th January, 2013, the Supreme Court opined that it was "in the interest of the society in general and the students community in particular that a time bound schedule is framed by the Government and the NCTE for implementation of the recommendations made by the Committee headed by Hon"ble Sh.

Justice J. S. Verma (Former Chief Justice of India)." Again, in order dated 28th February, 2013, the Supreme Court required the Central Government to file another affidavit, clearly specifying the concrete steps already taken for implementation of the recommendations made by the Verma Commission. Thereafter, on



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3rd May, 2013, the Supreme Court opined that a small group, from the members of the Verma Commission, could be requested to supervise the implementation of the recommendations of the Commission. Acting on the said direction, the Central Government constituted a sub-group, comprising four members of the Verma Commission, to monitor the progress, in the matter of implementation of the recommendations of the Verma Commission and to report, to the Supreme Court, with respect thereto. This action was appreciated by the Supreme Court, in its order dated 6th August, 2013, which went on to direct thus:

"In order to facilitate further implementation of the report of the Verma Commission, we direct that the recommendations which may be made by the sub-Group shall be binding on the Government of India and the Governments of all the States and Union Territories as also NCTE and University Grants Commission and all of them shall implement the same without any objection and without modifying the same."

33. The aforesaid sub-Group was designated, by the Supreme Court, vide its subsequent order dated 10th September, 2013 - wherewith the proceedings in SLP (C) 4247-4248/2009 were closed - as the "Implementation Committee". The Supreme Court reiterated, in the said order, its earlier mandate that the recommendations of the Implementation Committee would be



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binding on all States, Union Territories, the Central Government, the NCTE and the UGC, who would be bound to implement the same without reservation or modification. The following passages, from the order dated 10 th September, 2013, are relevant:

"One of the recommendations made by the Implementation Committee is the revision of the regulations framed by NCTE.

With a view to ensure that there is no further complication in the matter of grant of recognition for establishment of new Teacher Training Colleges/Institutions and permission to the existing Colleges/Institutions to run the Teacher Training Courses, we direct the concerned authorities including the NCTE to notify the new regulations latest by 30.11.2013.

We also reiterate the direction given earlier and make it clear that all the recommendations made by the Implementation Committee shall be binding on the Government of India, the Governments of all the States and the administration of Union Territories as also NCTE and University Grants Commission and all of them shall implement the same without any objection and without modifying the same.

With the above direction, the proceedings of these petitions are closed and the special leave petitions are disposed of."



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34. Consequent on the above directions of the Supreme Court, the 2014 Regulations came to be promulgated, superseding the existing 2009 Regulations.

35. Clearly, it would not be open to any Court to question the wisdom of any provision, in the 2014 Regulations, or in any amendment effected to the said Regulations, which is in line with, or furthers, any of the recommendations of the Verma Commission. The recommendations of the Verma Commission, having been sanctified by the imprimatur of the Supreme Court, were binding on the NCTE, and are also binding on every judicial authority, hierarchically below the Supreme Court.”

Therefore, mere challenging of the regulations is not permissible. That apart, the learned Senior counsel further submitted that 2014 Regulations have been subsequently amended in the year 2017, 2019 and 2021 and therefore, nothing survives in these Writ Petitions.

5. The learned counsel appearing for the respondents also have not disputed the withdrawal of the circulars and subsequent amendments to the



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regulations.

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6. Accordingly, these Writ Petitions are dismissed as infructuous.

Consequently, connected miscellaneous petitions are closed. No costs.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

To

1. The National Council for Teacher Education,
Rep. by its Member Secretary, Hans Bhaawan,
Wing II, 1, Bhahadur Shah Zafar Marg,
New Delhi – 110 002.
2. The Regional Director,
Southern Regional Committee,
National Council for Teacher Education,
Jnanabarathy Campus Road,
Opp to National Law School, Nagarabhavi,
Bangaluru – 560 072.



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W.P.No.19839 of 2017 etc., batch

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