

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE
APPELLATE JURISDICTION

DATED: ALLAHABAD. 11.2.1999.
PRESENT

THE HON'BLE. RAVI S. DHAVAN CHIEF JUSTICE.
THE HON'BLE. D.K. SETH JUDGE.
SPECIAL APPEAL No. 497) of 1999.

Special appeal against the Judgement and order dated 4.9.98 passed by Hon'ble Mr. Justice M.Katju.J. in Civil Misc. writ Petition No. 28619 of 1998.

- 1. Basic Shiksha Parishad, U.P.Allahabad, through its Secretary;
- 2. District Basic Education Officer, Deoria.
- 3. Director of Education (Basic) U.P.Allahabad.

.....Appellants.

Vs.

- 1. Anil Kumar Pandey S/o Sri Ram Bachan Pandey, Resident of Village Bhaunaulipur, P.O. Office- Sohara, Distt. Deoria.
- 2. Veereshwar Singh S/o Sri Vijai Pratap Singh S/o Village Usuri Bujurg, Post Office Indupur, District-Deoria.
- 3. Kumari Mohini Daughter of Sri Ram Aore Prasad C/o Sri Nath, R/o Mohalla Bhatwalia, S Ward No.2, District Deoria.opposite parties/petitioners.
- 4. State of U.P. through secretary Basic Education, U.P. Lucknow.Proforma opposite party.

BY THE COURT

Heard learned counsel for the appellants. Sri A.K.Singh and learned counsel for contesting respondents no.1, 2 and 3, Sri Shivpati B.Pandey. The State of Uttar Pradesh has been arrayed as a proforma respondent.

The Court has perused the record as presented in appeal. On issues there has been a decision of a Division Bench taken recently. The decision is dated 18.12.1998 in re Special Appeal No. 994 of 1997: Dharam Pal Singh and another v. Basic Shiksha Parishad, U.P., Allahabad and another, delivered by their Lordships, Hon'ble the Acting Chief Justice and Hon'ble R.R.K.Trivedi,J.

In principle, it has already been decided by the Division Bench that should an institution be recognised at one stage, then, merely because it has been de-recognised subsequently, of a recognised course, as in the present case, the persons entitled to employment as Basic Shiksha Teacher, cannot be unsuited. The Court has no occasion to take a different view than rendered in Special Appeal, aforesaid.

The special appeal is accordingly dismissed.

Dt/- 11.2.99.

Sd/Ravi S.Dhavan. A.C.J.
Sd/- D.K.Seth.

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AK Seth
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HIGH COURT ALLAHABAD



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE

ORIGINAL JURISDICTION

DATED ALLD. THE 6th May, 1999.

PRESENT:

THE HON'BLE I. M. QUDUSI. JUDGE,

CIVIL MISC. WRIT PETITION NO. 18832 of 1999.

Order on the petition of Anil Kumar Pandey and another. .

In re

1. Anil Kumar Pandey s/o Sri Narveda Pandey, R/o Village Post Rampur Sohrauna Vaya Hata District Kushinagar Completed Basic Teachers Training course Under Bhartiya Siksha Parishad U.P. Department of Education Govt. of U.P. Lucknow.
2. Smt. Suman Devi w/o Sri Ashutosh Kumar Pandey r/o village & Post Padari Tola Gaura, District Kushinagar Completed Basic Shiksha Parishad U.P. Department of Education Govt. of U.P. Lucknow.

-----Petitioners.

Vs.

1. Chief Secretary Govt of U.P. Lucknow.
 2. Principal Secretary Hom Depott Govt. of U.P. Lucknow.
 3. Principal Secretary Karmikand Rozgar U.P. Lucknow.
 4. Director Directorate Employment Govt. of U.P. Lucknow.
 5. District & Employment Officer Kushinagar District Kushinagar.
 6. Indian Institute of Professional Studies Affiliated to Bhartiya Shiksha Parishad Uttar Pradesh, Department of Education, Govt. of U.P. Lucknow through it's Director/Chairman.
- ... Respondents.

BY THE COURT

Heard learned counsel for the petitioners and learned standing Counsel.

It has been held by this court in Ramesh Pratap Singh Vs. State of U.P. and others, 1993(2) AIR 88 that B.T.C. correspondence Course should be treated as equivalent to B.T.C. regular ex course.

Following the said judgment this petition is allowed. The petitioners should be treated as equivalent to the regular B.T.C. course and the petitioners should be considered accordingly.

No orders as to costs.

Dt./- 6.5.1999.

Sd./- I. M. QUDUSI.

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S.O. COPYING D SECTION
HIGH COURT ALLAHABAD



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CIVIL SIDE
APPELLATE JURISDICTION

DATED: ALLAHABAD. 11.2.1999.
PRESENT

THE HON'BLE. RAVI S. DHAVAN CHIEF JUSTICE.
THE HON'BLE. D.K.SETH JUDGE.
SPECIAL APPEAL NO. (97) of 1999.

Special appeal against the Judgement and order dated 4.9.98 passed by Hon'ble Mr. Justice M.Katju, J. in Civil Misc. writ Petition No. 28619 of 1998.

1. Basic Shiksha Parishad, U.P.Allahabad, through its ~~secretary~~ secretary.
 2. District Basic Education Officer, Deoria.
 3. Director of Education(Basic) U.P.Allahabad.
-Appellants.

Vs.

1. Anil Kumar Pandey S/o Sri Ram Bachan Pandey, Resident of Killage Bhaunaulipur, P. O. Office- Sohara, Distt. Deoria.
2. Veereshwar Singh S/o Sri Vijai Pratap Singh R/o Village Usuri Bujurg, Post Office Indupur, District-Deoria.
3. Kumari Mohini Daughter of Sri Ram Aore Prasad C/o Sri Nath, R/o Mohalla Bhatwalia, & Ward No. 2, District Deoria.opposite parties/petitioners.
4. State of U.P. through secretary Basic Education, U.P. Lucknow.Proforma opposite party.

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BY THE COURT

Heard learned counsel for the appellants. Sri A.K.Singh and learned counsel for contesting respondents no.1, 2 and 3, Sri Shivpati B.Pandey. The State of Uttar Pradesh has been arrayed as a proforma respondent.

The Court has perused the record as presented in appeal. On issues there has been a decision of a Division Bench taken recently. The decision is dated 19.12.1998 in re Special Appeal No. 994 of 1997: Dharam Pal Singh and another v. Basic Shiksha Parishad, U.P., Allahabad and another, delivered by their Lordships, Hon'ble the Acting Chief Justice and Hon'ble R.R.K.Trivedi, J.

In principle, it has already been decided by the Division Bench that should an institution be recognised at one stage, then, merely because it has been de-recognised subsequently, of a recognised course, as in the present case, the persons entitled to employment as Basic Shiksha Teacher, cannot be unsuited. The Court has no occasion to take a different view than rendered in Special Appeal, aforesaid.

The special appeal is accordingly dismissed.
Dt/- 11.2.99. Sd/Ravi S.Dhavan. A.C.J.
Sd/- D.K.Seth.

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AK Jaiswal
3/11/99

S.O. COPYING SECTION(D)
HIGH COURT ALLAHABAD

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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE
ORIGINAL JURISDICTION

DATED: ALLAHABAD THE 28th MAY, 1999.

PRESENT:

THE HON'BLE A.K.YOG JUDGE.
CIVIL MISC. WRIT PETITION NO. 23456 OF 1999.
ORDER ON THE PETITION OF VINIT DIXIT & OTHERS.

IN RE:

1. Vinit Dixit s/o Harihar Sharma, Completed Basic Teachers Training under Bhartiya Shiksha Parishad State of Lucknow, presently residing at 76-B, Daraganj, Allahabad.
2. Naresh Kumar Kanyal, s/o Sri Dilip Singh, completed Basic Teachers Training Under Bhartiya Shiksha Parishad State of U.P. Lucknow, presently residing at 76-B, Daraganj, Allahabad. Petitioners.

VS.

1. Union of India through Ministry of Human Resources and Development, New Delhi.
2. Chairman, Kendriya Vidyalaya Sangathan Sahed Jeet Singh Marg Institutional Area New Delhi.
3. Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector Aliqanj, Lucknow. Respondents.

BY THE COURT

Heard learned counsel for the petitioner and learned Standing Counsel for respondents.

Learned counsel for the petitioners states that the matter is identical and covered by the judgment dated 9.4.1999 passed by Hon'ble Mr. Justice I.M.Guddui. Learned Standing Counsel does not oppose said stand.

Writ Petition is disposed of in terms and directions of judgment and order dated 09.4.1999 passed in Civil Misc. Writ Petition No. 15049 of 1999 by Hon'ble Mr. Justice I.M.Guddui.

Petitioner will file a certified copy of the said judgment before the concerned authorities, who shall ensure compliance of the same. Sd./- A.K.Yog, J.

Dt./- 28.5.99. TRUE COPY

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HIGH COURT ALLO.



10-3-2000

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE

ORIGINAL JURISDICTION

DATED ALLAHABAD THE 1 24. 10. 1997

PRESENT:

THE HON'BLE ALOKE CHAKRABARTI.....JUDGE.

CIVIL MISC. WRIT PETITION NO. 34308 of 1997

Order on the petition of Shashi Nath Singh and other,
.....Petitioners.

in re;

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1. Shashi Nath Singh s/o Sri
Vijai Pratap Singh r/o village
Usuri Buzurg P.O. Indapur, Distt.
Deoria.
 2. Om Prakash Mishra s/o Sri Uma Shankar Mishra
r/o Vill Singhi P.O. Deoria. Distt. Deoria.
 3. Poonam Singh d/o Sri Daya Shankar Singh
r/o vill-Maripar, P.O. Baikunthpur,
Distt. Deoria.....Petitioners.

Vs.

1. State of U.P. through Secretary
Basic Education U.P. Lucknow.
2. Director of Education (Basic) U.P. Allahabad.
3. District Basic Education Officer, Deoria.
4. Basic Siksha Parishad U.P. Allahabad through its
Secretary... .. Respondents.

BY THE COURT

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28/10/97
26/10/97



Civil Misc.Writ Petition No.34308 of 1997

Shashi Nath Singh and another ..Vs. State of U.P. and others.

Hon'ble Aloke Chakrabarti, J.

Heard the learned counsel for the petitioners as also the learned Standing Counsel for the respondent nos.1 and 2 and Mr. A.K.Singh, learned counsel for the respondent nos.3 and 4.

Learned counsel for the petitioner produces judgment dated 26.11.1992 passed in Civil Misc. Writ Petition No.818 of 1992, Ramesh Pratap Singh and others Vs. State of U.P. and others as also the copy of the judgment dated 23.4.1993 disposing of the writ petition No.Nil of 1993, Sri Ved Vyas Tiwari and others Vs. State of U.P. and others. Learned counsel for the petitioners states that against the aforesaid orders no appeal has been filed. Learned Standing Counsel also does not dispute the said contention. As the law has been decided in the aforesaid cases and the same having become final, no other question of facts are required to be decided in this writ petition. Learned counsel for both the parties agree to final disposal of this writ petition.

The petitioners state that they have obtained B.T.C. certificate in correspondence course which has been held to be equivalent to regular B.T.C. training. Mr. A.K.Singh the learned counsel for the respondents states that the petitioners are not entitled to relief as their training was not from institution run by Government. But the petitioners in the case of Ramesh Pratap Singh (supra) had the B.T.C. correspondence training from recognised institutions. Therefore, this writ petition is allowed directing the respondents to consider the case of the petitioners treating the B.T.C. training correspondence course from State run or recognised institutions.

equivalent to B.T.C. training regular course and to consider the cases of the petitioners on merit and if they are selected they shall be given appointment.

sel. Alok Chakrabarti J.

24.10.1997

MLA/

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Datta
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for file 02/6/98
Section Officer
Copying (D) Department
High Court, Allahabad



In the High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow

Writ petition No. 426 of 2004 (MB)

1. All India Association for students welfare, 2/268, Vishwash
Khand, Gomti Nagar, Lucknow through its secretary & ~~six~~ another,
..... ..Petitioner.

Vs.

1. Union of India, Department of Employment civil secretariats,
New Delhi, through its secretary & ors.. ..Opp. parties.

Writ petition under Article 226 of the constitution of India.

Lucknow Dated: 27.1.2004
Hon. Jagdish Bhalla, J.
Hon. Rakesh Sharma

Petitioner no. 1 is association. Vague allegation has been
made by the petitioners in para-5 of the writ petition that
the members of the association has approached for registration
before the Employment Exchange in Lucknow and other district
of the State and they have not been registered.

There is nothing on record to show that who are the
members of the association and where they have approached.
The violation of Article 14 of the constitution has been
pleaded.

We are of the considered opinion that if any person
applies for registration with the Employment Exchange in
routine, his name is to be registered. However, we cannot grant
any relief to the petitioner no. 1 because of the fact that
there is no list of the members for whom the petitioner no. 1
has come before this court. As far as petitioner no2 is
concerned if he makes an application for registration he
be registered in accordance with law.

No further interference is warranted.

The writ petition is finally decided.

T. by/ - SS

Sd/- Jagdish Bhalla
Sd/- Rakesh Sharma
27.1.2004

Ex. by/ -

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Arun Shankar
Section Officer
Copying Department
High Court, Lucknow Bench
LUCKNOW

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (C) NO.7 OF 2000

Certified to be true copy

M. K. Das
Assistant Registrar (Civil)

27/11/2000
Supreme Court of India

Common Cause (A Regd. Society)

...Petitioner

Versus

Union of India & Ors.

...Respondents

W I T H

TRANSFER PETITION (C) NOS. 711-716 OF 2002

University Grants Commission

...Petitioner

Versus

Bhartiya Shiksha Parishad, U.P. & Ors.

...Respondents

O R D E R

The transfer petitions have been filed by the University Grants Commission for transfer of Writ Petition (C) No.1649(M/B)/1998 (Bhartiya Siksha Parishad Vs. The State of U.P. & Anr.), pending before the High Court of Judicature at Allahabad, Bench at Lucknow; Civil Suit being R.S.No.336/1998 (Bhartiya Siksha Parishad Vs. University Grants Commission & Anr.), pending before the Court of Civil Judge, South (JD), Lucknow; Civil Suit being R.S.No.83/1999 (Bhartiya Siksha Parishad, U.P. Vs. University Grants Commissions & Ors.), pending before the Court of Civil Judge, South (JD), Lucknow; Civil Suit being R.S.No.902/2001 (Bhartiya Siksha Parishad Vs. Gurucharan Singh & Anr.),

pending before the Court of Additional Civil Judge (Hawali) (JD), Lucknow; Writ Petition being C.W.P.No.2629/2002 (Wing Comdr. H.M.Sethi (Retd.) Vs. National University of Electro Complex Homoeopathy, Kanpur & Ors.), pending before Delhi High Court and C.M.W.P.No.12936/2002 (A.K. Sharma & Ors. Vs. National University of Electro Complex Homoeopathy, Kanpur & Ors.), pending before the High Court of Judicature at Allahabad, to this Court.

In the transfer petitions, apart from UOI/CBI., except National University of Electro Complex Homoeopathy, Kanpur, i.e. respondent No.2 in one petition and respondent No.5 in another, no other party is represented before us. The aforesaid respondent is the respondent in C.W.P.2629/2002, pending in the Delhi High Court, and C.M.W.P.No.12936/2002, pending before the Allahabad High Court. The prayer in these petitions is that all the aforesaid six matters be transferred to this Court to be heard along with Writ Petition (C) No.7/2000 (Common Cause Vs. Union of India & Ors.). The transfer petitions and the writ petition are on board today as second item. The writ petition with which the matters sought to be transferred are prayed to be heard is not being prosecuted, in the sense that none is present to assist the Court in that matter. In addition, somewhat similar matter is being examined by this Court *suo motu* wherein learned Solicitor General is assisting the Court.

Having regard to the aforesaid, we do not think that any useful purpose would be served by transferring the

aforesaid petitions to this Court. Consequently, the transfer petitions are disposed of with liberty to the petitioner to move an appropriate petition/application in appropriate proceedings. The interim order dated 29th October, 2002 made by this Court, granting stay, shall stand vacated.

For the aforesaid reason, the writ petition is also dismissed, at this stage.

all
.....J.
(Y.K. SABHARNAL)

all
.....J.
(D.M. DHARMADIKARI)

New Delhi,
November 02, 2004.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.02.2006

CORAM

THE HONOURABLE MR. JUSTICE D. MURUGESAN

W.P.No.3372 of 2006

K. Balachander

.. Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department,
Fort St.George, Chennai-9.
2. The Director of Teacher Education,
Research and Training,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Dharmapuri District.
4. Bharathia Shiksha Parishad,
Rep. by its Registrar Mr. Raja Singh,
Bharat Bhavan,
Matiyari Chinnut, Paizabad Road,
Lucknow 227 105.
5. Indira Gandhi Teacher Training College,
No.514, Mahalakshmpuram,
Bangalore 86.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of mandamus directing the second respondent herein to evaluate the teacher training certificate of the petitioner in terms of the G.O.Ms.No.62 dated 16.05.2002 and G.O.Ms.No.26/2003 dated 21.02.2003 (School Education Department) within a time frame.

For Petitioner : Mr. C. Kasirajan
For Respondents: Mr.M.G.H. Varadarajan, AGP
for RR1 to 3.

ORDER

The petitioner seek a writ of mandamus to direct the second respondent herein to evaluate the teacher training certificate of the petitioner in terms of the G.O.Ms.No.62 dated 16.05.2002 and G.O.Ms.No.26/2003 dated 21.02.2003 (School Education Department).

2. Mr. M.G.H. Varadarajan, learned Additional Government Pleader, takes notice for the respondents 1 to 3.

3. According the petitioner, he completed the 2 years course of basic training in Teacher Education in 2003 through the distance education programme offered by the third respondent herein and secured more than 50% marks and registered his name with the District Employment Exchange office of the concerned District. Subsequent to the announcement of the first respondent for the recruitment of Secondary Grade Teachers in the entire state, as per the seniority maintained at the employment exchange, the District Educational Officers called upon the above said petitioner for verification of educational certificates. Accordingly, the petitioner appeared before the Chief Educational Officer, Dharmapuri for verification on 07.12.2005. As per G.O.Ms.No.62 dated 16.05.2002 and G.O.Ms.No.26/2003 dated 21.02.2003 (School Education Department), evaluation of certificates of the candidates who obtained requisite qualification from the institutions of other state should be done prior to their appointment. As such, the verification of certificates were done by the Chief Educational Officer, Dharmapuri on 07.12.2005, but the certificates were not evaluated. The petitioner sent representation on 02.12.2005 to the second respondent. But till date, the certificates were not evaluated. Aggrieved by the same, he has filed the above writ petition.

4. Considering the limited scope of the writ petition, suffice it to direct the second respondent to evaluate the Teachers Training Certificate of the petitioner in terms of G.O.Ms.No.62 dated 16.05.2002 and G.O.Ms.No.26/2003 dated 21.02.2003 (School Education Department) within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No costs.

08.02.2006

ap/vj2

S/
Asst.Registrar

/true copy/

PT. Vijayalakshmi
21.2.06
Sub Asst.Registrar

To

1. The Secretary to Government,
Education Department,
The State of Tamil Nadu,
Fort St. George, Chennai-9.
2. The Director of Teacher Education,
Research and Training,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
Dharmapuri District.
4. The Registrar
Bharathia Shiksha Parishad,
Bharat Bhavan,
Matiyari Chinnut, Paizabad Road,
Lucknow 227 105.
5. Indira Gandhi Teacher Training College,
No.514, Mahalakshimpuram, Bangalore 86.

1 cc to Mr.C.Kasirajan, Advocate, SR.5321

hpr (co)

dv/15.2.06

W.P.No.3372 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2010

C O R A M

THE HONOURABLE Mr. JUSTICE N. PAUL VASANTHAKUMAR

Writ Petition Nos.5521 & 5354 of 2006
and

W.P.M.P.Nos.5961 & 5738 of 2006

V.Uma .. Petitioner in W.P.5521 of 2006
S.Ramesh .. Petitioner in W.P.5354 of 2006

Vs

The Director of Teacher Education
and Research, College Road,
D.P.I. Campus,
Chennai-600 006.

.. Sole Respondent in
W.P.5521 of 2006

- 1.The Member Secretary,
Teachers Recruitment Board,
DPI Buildings, College Road,
Chennai-600 006.
- 2.The Director of School Education,
D.P.I. Buildings, College Road,
Chennai-600 006.
- 3.Indian Institute of Professional Studies,
(Department of Distance Education)
(Affiliated to Bhartiya Shiksha Parishad)
Viswas Khand, Gombi Nagar,
Lucknow-226 010.

.. Respondents 1 to 3 in
W.P.No.5354 of 2006

Prayer in W.P.No.5521 of 2006: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the respondent herein to evaluate the certificate obtained by the petitioner in Diploma in Teacher Education forthwith as equivalent to that of the Diploma Certificate issued by the State of Tamil Nadu and pass such further or other orders.

Prayer in W.P.No.5354 of 2006: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the first respondent to treat the B.Ed degree obtained by the petitioner from the third respondent on par with the candidates who obtained B.Ed.degree from the universities in the state and pass such further or other orders.

For Petitioner : Mr.C.Kalaiselvan, in W.P.No.5521/2006

For Petitioner : Mr.Anantha Rama Krishnan,
in W.P.No.5354/2006

For respondents: Mr.A.Suresh, G.A. (Edn.)for sole
respondent in W.P.No.5521/2006
and R1 and R2,in W .P.No.5354/2006

ORDER

In W.P.No.5521 of 2006, the prayer is for issuing a writ of mandamus directing the respondent to evaluate the Teacher Education Certificate of the petitioner as equivalent to that of Diploma Certificate issued by the State of Tamil Nadu.

In W.P.No.5354 of 2006, the prayer is for issuing a writ of mandamus directing the first respondent to treat the B.Ed degree obtained by the petitioner from the third respondent on par with the candidates, who obtained B.Ed.degree from the universities in the state of Tamil Nadu.

2. The case of the petitioner in W.P.No.5521 of 2006 is that the petitioner studied Diploma in Teacher Education in Shanti Niketan, which is the professional centre located at No.3/19, Selliampalayam, Attur, Salem District which is affiliated to Bharathiya Shiksha Parishad having its office at Lucknow and Allahabad in the State of Uttar Pradesh. According to the petitioner, the said Bharathiya Shiksha Parishad is having several education centres all over India and one such study centre is located at Attur in Salem District. The petitioner has completed her Diploma in Teacher Education during the academic year 2002 to 2003 with regular course in Tamil medium and Diploma Certificate was also issued on 23.9.2003. According to the petitioner, as per the policy decision of the Government of Tamil Nadu, the post of Secondary Grade Teacher will have to be filled up according to the District Employment Seniority and as per the statewide seniority. Since the petitioner's certificate was not evaluated as equivalent to the Diploma in Teacher Training Certificate issued by the State of Tamil Nadu, the petitioner submitted a representation to the respondent on 9.8.2005 and the said representation is not yet

disposed of and therefore, the petitioner has filed the writ petition with the above said prayer.

3. The case of the petitioner in W.P.No.5354 of 2006 is that the petitioner studied Bachelor Degree (B.Sc.) in Mathematics from Madras University during 1997-2000. Subsequently he underwent Bachelor degree of Education Course in the third respondent institution through Distance Education and obtained the B.Ed.degree during the year 2005. He registered his educational qualifications for the purpose of employment with the District Employment Office at Tiruvallur. The first respondent called for applications for appointment of Junior Grade Teachers by direct recruitment in Government and Aided Schools on contract basis. He applied for the post and he wrote the examination and came out successfully. Thereafter, he was called upon to produce the original educational certificates by the first respondent. During verification, the first respondent informed him that the B.Ed., degree obtained by him from the third respondent institution is not valid and recognised by the government and hence the first respondent has rejected the petitioners' candidature on that ground. The petitioner submitted a representation to the Teachers Recruitment Board on 13.2.2006 and the said representation is not disposed of.

In answer to the said writ petitions, the respondents in W.P.No.5354 of 2006 filed a counter affidavit by stating that the University Grants Commission has given recognition for 146 Universities and in the said list, Bharathiya Shiksha Parishad is not included and as there was a doubt about the recognition of the particular University, the Board approached the University of Madras for suitable clarification, which in turn informed that the Bharathiya Shiksha Parishad is not recognised by the University Grants Commission and the same was included in the list of fake Universities by the University Grants Commission. However, the issue regarding the fake University is pending before the Court.

4. Learned counsel for the petitioners submitted that the University Grants Commission has clarified the said decision as on 1.11.2004 and stated that the Hon'ble Civil Court, Lucknow has granted interim stay in favour of the said Bharathiya Shiksha Parishad and has restrained the UGC from calling it as fake or treating it as fake university till the final decision in the matter is passed and the University Grants Commission has initiated action. According to the petitioner the University Grants Commission has decided to exclude the name of the Bharathiya Shiksha Parishad from the list of fake University.

5. Learned counsel for the respective petitioners also submitted that this Court in W.P.No.5242 of 2006 by its order dated 28.4.2006 and in W.P.Nos. 78 and 79 of 2006 by its order

dated 4.1.2006 has given a direction to consider the request of the evaluation claimed by the similarly placed persons, who also obtained Diploma certificate from the above said University and pass orders in terms of G.O.Ms.No.62 (School Education Department) dated 16.5.2002, within a period of four weeks.

6. In the light of the said submissions and having regard to the dispute regarding the validity of the University/Institution where from the petitioners obtained the Diploma and degree certificates, the concerned respondent is directed to consider the said issue after getting clarification from the University Grants Commission and after finding out whether the said University is a valid University recognised by the University Grants Commission and pass orders, if it is one of the universities recognised by the University Grants Commission. The Director of Teacher Education is directed to consider the Diploma certificate obtained by the petitioner in W.P.No.5521 of 2006 seeking evaluation and pass necessary orders, within a period of eight weeks from the date of receipt of a copy of this order and if the petitioners are found qualified their claim for appointment may be considered by the appropriate authority.

7. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar

[Signature]
Sub Asst. Registrar

//True Copy//

To
1. The Director of Teacher Education
and Research, College Road,
D.P.I. Campus,
Chennai-600 006.

2. The Member Secretary,
Teachers Recruitment Board,
DPI Buildings, College Road,
Chennai-600 006.

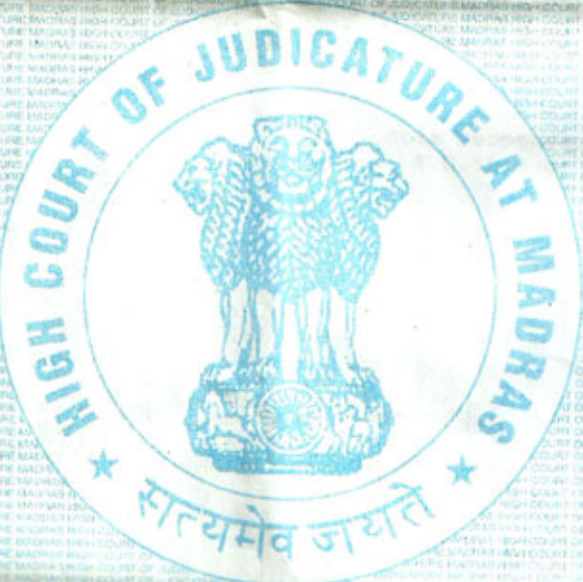
3. The Director of School Education,
D.P.I. Buildings, College Road,
Chennai-600 006.

9. Indian Institute of Professional Studies,
(Department of Distance Education)
(Affiliated to Bheriya Shiksha Parishad)
✓ Viswas Khand, Gombi Nagar,
Lucknow-226 010.

+ 2 ccs to Government Pleader, SR No.62893, 67892

JP (CO)
SR/28.9.2010

Writ Petition Nos.5521 &
5354 of 2006



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2010

C O R A M

THE HONOURABLE Mr. JUSTICE N. PAUL VASANTHAKUMAR

**Writ Petition Nos.5521 & 5354 of 2006
and
W.P.M.P.Nos.5961 & 5738 of 2006**

V.Uma .. Petitioner in W.P.5521 of 2006

S.Ramesh .. Petitioner in W.P.5354 of 2006

Vs

**The Director of Teacher Education
and Research, College Road,
D.P.I. Campus,
Chennai-600 006.**

**.. Sole Respondent in
W.P.5521 of 2006**

**1.The Member Secretary,
Teachers Recruitment Board,
DPI Buildings, College Road,
Chennai-600 006.**

**2.The Director of School Education,
D.P.I. Buildings, College Road,
Chennai-600 006.**

**3.Indian Institute of Professional Studies,
(Department of Distance Education)
(Affiliated to Bhartiya Shiksha Parishad)
Viswas Khend, Gombi Nagar,
Lucknow-226 010.**

**.. Respondents 1 to 3 in
W.P.No.5354 of 2006**

Prayer in W.P.No.5521 of 2006: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the respondent herein to evaluate the certificate obtained by the petitioner in Diploma in Teacher Education forthwith as equivalent to that of the Diploma Certificate issued by the State of Tamil Nadu and pass such further or other orders.

Prayer in W.P.No.5354 of 2006: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus, directing the first respondent to treat the B.Ed degree obtained by the petitioner from the third respondent on par with the candidates who obtained B.Ed.degree from the universities in the state and pass such further or other orders.

For Petitioner : Mr.C.Kaleiselvan, in W.P.No.5521/2006
For Petitioner : Mr.Anantha Rama Krishnan,
in W.P.No.5354/2006

For respondents: Mr.A.Suresh, G.A. (Edn.)for sole
respondent in W.P.No.5521/2006
and R1 and R2,in W .P.No.5354/2006

O R D E R

In W.P.No.5521 of 2006, the prayer is for issuing a writ of mandamus directing the respondent to evaluate the Teacher Education Certificate of the petitioner as equivalent to that of Diploma Certificate issued by the State of Tamil Nadu.

In W.P.No.5354 of 2006, the prayer is for issuing a writ of mandamus directing the first respondent to treat the B.Ed degree obtained by the petitioner from the third respondent on par with the candidates, who obtained B.Ed.degree from the universities in the state of Tamil Nadu.

2. The case of the petitioner in W.P.No.5521 of 2006 is that the petitioner studied Diploma in Teacher Education in Shanti Niketan, which is the professional centre located at No.3/19, Sellimpalayam, Attur, Salem District which is affiliated to Bharathiya Shiksha Parishad having its office at Lucknow and Allahbad in the State of Uttar Pradesh. According to the petitioner, the said Bharathiya Shiksha Parishad is having several education centres all over India and one such study centre is located at Attur in Salem District. The petitioner has completed her Diploma in Teacher Education during the academic year 2002 to 2003 with regular course in Tamil medium and Diploma Certificate was also issued on 23.9.2003. According to the petitioner, as per the policy decision of the Government of Tamil Nadu, the post of Secondary Grade Teacher will have to be filled up according to the District Employment Seniority and as per the statewide seniority. Since the petitioner's certificate was not evaluated as equivalent to the Diploma in Teacher Training Certificate issued by the State of Tamil Nadu, the petitioner submitted a representation to the respondent on 9.8.2005 and the said representation is not yet

disposed of and therefore, the petitioner has filed the writ petition with the above said prayer.

3. The case of the petitioner in W.P.No.5354 of 2006 is that the petitioner studied Bachelor Degree (B.Sc.) in Mathematics from Madras University during 1997-2000. Subsequently he underwent Bachelor degree of Education Course in the third respondent institution through Distance Education and obtained the B.Ed.degree during the year 2005. He registered his educational qualifications for the purpose of employment with the District Employment Office at Tiruvallur. The first respondent called for applications for appointment of Junior Grade Teachers by direct recruitment in Government and Aided Schools on contract basis. He applied for the post and he wrote the examination and came out successfully. Thereafter, he was called upon to produce the original educational certificates by the first respondent. During verification, the first respondent informed him that the B.Ed., degree obtained by him from the third respondent institution is not valid and recognised by the government and hence the first respondent has rejected the petitioners' candidature on that ground. The petitioner submitted a representation to the Teachers Recruitment Board on 13.2.2006 and the said representation is not disposed of.

In answer to the said writ petitions, the respondents in W.P.No.5354 of 2006 filed a counter affidavit by stating that the University Grants Commission has given recognition for 146 Universities and in the said list, Bharathiya Shiksha Parishad is not included and as there was a doubt about the recognition of the particular University, the Board approached the University of Madras for suitable clarification, which in turn informed that the Bharathiya Shiksha Parishad is not recognised by the University Grants Commission and the same was included in the list of fake Universities by the University Grants Commission. However, the issue regarding the fake University is pending before the Court.

4. Learned counsel for the petitioners submitted that the University Grants Commission has clarified the said decision as on 1.11.2004 and stated that the Hon'ble Civil Court, Lucknow has granted interim stay in favour of the said Bharathiya Shiksha Parishad and has restrained the UGC from calling it as fake or treating it as fake university till the final decision in the matter is passed and the University Grants Commission has initiated action. According to the petitioner the University Grants Commission has decided to exclude the name of the Bharathiya Shiksha Parishad from the list of fake University.

5. Learned counsel for the respective petitioners also submitted that this Court in W.P.No.5242 of 2006 by its order dated 28.4.2006 and in W.P.Nos. 78 and 79 of 2006 by its order

dated 4.1.2006 has given a direction to consider the request of the evaluation claimed by the similarly placed persons, who also obtained Diploma certificate from the above said University and pass orders in terms of G.O.Ms.No.62 (School Education Department) dated 16.5.2002, within a period of four weeks.

6. In the light of the said submissions and having regard to the dispute regarding the validity of the University/Institution where from the petitioners obtained the Diploma and degree certificates, the concerned respondent is directed to consider the said issue after getting clarification from the University Grants Commission and after finding out whether the said University is a valid University recognised by the University Grants Commission and pass orders, if it is one of the universities recognised by the University Grants Commission. The Director of Teacher Education is directed to consider the Diploma certificate obtained by the petitioner in W.P.No.5521 of 2006 seeking evaluation and pass necessary orders, within a period of eight weeks from the date of receipt of a copy of this order and if the petitioners are found qualified their claim for appointment may be considered by the appropriate authority.

7. The writ petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar
Sub Asst. Registrar

To

1. The Director of Teacher Education and Research, College Road, D.P.I. Campus, Chennai-600 006.
2. The Member Secretary, Teachers Recruitment Board, DPI Buildings, College Road, Chennai-600 006.
3. The Director of School Education, D.P.I. Buildings, College Road, Chennai-600 006.

4. Indian Institute of Professional Studies,
(Department of Distance Education)
(Affiliated to Bhartiya Shiksha Parishad)
Viswas Khand, Gomti Nagar,
Lucknow-226 010.

+ 2 ccs to Government Pleader, SR No.62B93, 67B92

JP(CO)
SR/28.9.2010

Writ Petition Nos.5521 &
5354 of 2006



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE
ORIGINAL JURISDICTION

DATED: ALLAHABAD THE 28th MAY, 1999.

PRESENT:

THE HON'BLE A.K.YOG JUDGE.
CIVIL MISC. WRIT PETITION NO. 23131 OF 1999.
ORDER ON THE PETITION OF RADHEY SHYAM YADAV

I NRE:

Radhey Shyam Yadav s/o Sri Satya Narain Yadav,
r/o Vill. Shivpur, Post Lohilpur, Distt. Deoria.

.....Petitioner.

Vs.

1. Director, National Council for Educational Research & Training, U.P. Lucknow.
2. Zila Shiksha Aux Prashikshan Sansthan Rampur Karkhana, Deoria.
3. U.P. Basic Education Board, Lucknow through its Secretary.
4. Distt. Basic Education Officer, Deoria.Opp. Parties.

BY THE COURT

Radhey Shyam Yadav (Petitioner) has filed this petition for a writ of mandamus directing respondents to allow him to undertake training since he was on merits.

All the respondents are represented by Standing Counsel.

Typed copy of the intimation letter dated 15.4.1999 has been annexed as Annexure-2 to the petition. A photocopy of the said letter and also the envelop bearing address of the addressee and posted endorsement has been produced before the court, which is being taken on record. The said photocopy shows that registered letter (dated 11.4.99) was dispatched on 26.4.99. Intimation letter in no circumstances was a sufficient notice and for this lapse, on the part of the respondent, petitioner cannot be made to suffer.

In view of the above a writ of mandamus is being issued directing the respondent to permit the petitioner to participate in the B.T.C. Training on the basis of the select list and allow him to join second Batch of Training scheduled to commence with effect from 01.06.99 subject to all other formalities having observed by the petitioner.

Writ petition is allowed. No order as to cost.

Dt./- 28.5.99.

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Sd./- A.K.Yog, J.

[Signature]
10/03/2000
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HIGH COURT ALLD.



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[Signature]
SARAJ

12.12
29-11-99

C.M.W.P. No 35158 of 2004

District - Jampur

Gulab Chand Yadav

vs

State of U.P. and others.

T. No 182431787

[Handwritten signature]

Damodar Pandey

Advocate

Chamber No 41 (R)

3-I/185 Kalindipuram

Rajkotpur, Allahabad.

Date of Application 28/9/04
 Date of Adv 29/9/04
 Date of Issue 29/9/04
 Issuing Clerk *[Signature]*



IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CIVIL SIDE

ORIGINAL JURISDICTION

DATED: ALLAHABAD THE: 27.8.2004

PRESENT

THE HON'BLE TARUN AGARWALA JUDGE

CIVIL MISC. WRIT PETITION NO. 35158 OF 2004

ORDER ON THE PETITION OF GULAB CHANDRA YADAV

INRE

Gulab Chandra Yadav S/o Sri Khurbhuv Yadav,
R/o Village/Mohalla Bharanpur, BK P.O. Jamalpura,
District Jampur.

..... Petitioner.

vs.

1. State of U.P. through its Principal Secretary
Shiksha Anubhag-5 Government of U.P. Lucknow.
 2. Director State Council For Educational Research and
Training, U.P. Lucknow.
- Respondents.

BY THE COURT

Petitioner is aggrieved by the non selection in the select list issued for the Special B.T.C. Training Course 2004.

Considering the entire facts and circumstances of the case, I direct the petitioner to make a representation before the respondent no.1 within two weeks from today. If such a representation is filed, the authority concerned shall decide the matter within six weeks thereafter.

With the aforesaid direction, the writ petition is finally disposed of.

Sd/- Tarun Agarwala, J.

Dt: 27.8.2004

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HIGH COURT ALLAHABAD

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29-9-04

In the Hon'ble High Court of Judicature at Allahabad —
Lucknow Bench, Lucknow —
W.P. No. 2716(M/S) of 1997 —
Bhartiya Shiksha Parishad —
through its Chairman, A.P. Mishra —
Charat Bha-wan, Matiyari Chhat, —
Fazizabad, Road, Lucknow. —

...Petitioner —

Vs.

1. National Council for Teacher Education —
through Member Secretary, 15 I.P. Estate —
Mahatam Ghandi Marg, New Delhi. —
2. National Council for Teacher Education —
Northern Regional Committee through Regional —
Director, A- 46 Shanti path Tilak Nagar, Jaipur. —

...Opp Parties —

Lucknow dt: 27.10.97 —

Hon'ble R.P. Nigam, J. —

Issue notice to the opposite parties who will file —
counter affidavit within four weeks. Rejoinder affidavit —
may be filed within two weeks thereafter. —
List after expiry of the said period. —

In the meantime it is provided that the petitioner shall —
carry on teachers training programme until disposal of the —
application by the opposite party no.2. Sd/- R.P. Nigam —

27.10.97 —

T. by

R. K. ...
17/10/97

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Section Officer
Copying Department
(Pending)
High Court Lucknow Bench
Lucknow

By

R. K. ...
17/10/97

