

Allahabad High Court

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Shailendra Kumar Singh And Ors. vs State Of U.P. And Ors. on 8 January, 2004

Equivalent citations: 2004 (2) AWC 1098, (2004) 2 UPLBEC 1716

Author: R Agrawal

Bench: R Agrawal

JUDGMENT

R.K. Agrawal, J.

1. In this batch of petitions filed under Article 226 of the Constitution of India, a common question whether the degree of Shiksha Visharad given by the Hindi Sahitya Sammelan, Allahabad is to be treated as equivalent to B.Ed. degree, is up for consideration before the Court. All the petitioners have obtained the degree of Shiksha Visharad from the Hindi Sahitya Sammelan, Allahabad. The grievance of the petitioners is that they are not being considered for appointment as Assistant Teacher in the Basic Schools run by the Basic Shiksha Parishad, U.P., Allahabad. Relying upon the appointments given to the persons holding the degree of Shiksha Visharad given by the Hindi Sahitya Sammelan, Allahabad as Assistant Teachers in the Basic Schools run by the Parishad, the petitioners, in this batch of writ petitions, are pressing their claim of appointment.

2. By the order dated 18th September, 2003 passed in Civil Misc. Writ Petition No. 40382 of 2003, notices were issued to Hindi Sahitya Sammelan, Allahabad and the petitioner therein was directed to serve the Hindi Sahitya Sammelan, personally and file an affidavit of service. The affidavit of service has been filed on 24th September, 2003. Despite service of notice, no body has put in appearance on behalf of the Hindi Sahitya Sammelan.

3. I have heard Sri B. S. Pandey who made the leading arguments on behalf of the petitioners ; Sri Sudhir Agarwal, learned Additional Advocate General on behalf of the State of U. P. and Sarvsri K. Sahi, Jitendra Ojha, Vimal Chandra Mishra, A. P. Pandey, Sanjay Yadav, K. K. Roy, K. K. Rajbhar and P. K. Bhardwaj for the respective District Basic Education Officers.

4. The Hindi Sahitya Sammelan, Allahabad was established in the year 1910. It was registered in the year 1914 as a society under the Societies Registration Act, 1860, for the promotion and popularisation of Hindi and its literature in the country and abroad. It had taken up the cause of propagation and development of Hindi by producing literature of a very high quality, by conducting examinations and holding annual sessions to focus the attention of public on the importance of Hindi as national language. Considering the valuable service to the cause of Hindi rendered by Hindi Sahitya Sammelan and to enable it to carry on its activities efficiently, the Parliament thought it fit to declare it as an institution of national importance and incorporated it into a statutory corporation by enacting the Hindi Sahitya Sammelan Act, 1962 (hereinafter referred to as "the 1962 Act"). Under Section 4(1) of the 1962 Act, the Hindi Sahitya Sammelan was constituted as a body corporate and under Section 4(2) it had been provided that it would have a perpetual succession and a common seal. Section 4 of the 1962 Act is reproduced below :

"4. Incorporation.--(1) The first members of the Sammelan and all persons who may hereafter become members thereof in accordance with the rules made in this behalf, so long as they continue to hold membership thereof, are hereby constituted a body corporate by the name of the Hindi Sahitya Sammelan.

(2) The Sammelan shall have perpetual succession and a common seal with power, subject to the provisions of the Act, to acquire, hold and dispose of property and to contract and may by that name sue and be sued.

(3) The head office of the Sammelan shall be at Allahabad.

(4) The first members of the Sammelan shall be :

- (a) all persons who, Immediately before the appointed day, were members of the Society ;
- (b) all persons who, before that day, have been Presidents of the Society ; and
- (c) all persons who, before that day, were awarded the Mangla Prasad Paritoshik by the Society."

5. Under Section 6 of the 1962 Act, the functions to be performed by the Hindi Sahitya Sammelan has also been provided. It reads as follows :

"6. Functions of Sammelan.--Subject to the provisions of this Act and the rules made thereunder, the Sammelan shall perform the following functions, namely :

- (a) to promote the spread of Hindi language and to develop it and secure its enrichment in the manner indicated in Article 351 of the Constitution ;
- (b) to work for the promotion, development and advancement of Hindi literature in India and foreign countries and to print and publish such literature ;
- (c) to work for the promotion, development and advancement of Devnagari script and to print and publish literature of other Indian languages in Devnagari script ;
- (d) to arrange for the holding of examinations through the medium of Hindi language and to confer degrees, diplomas and other academic distinctions ;
- (e) to establish and maintain schools, colleges and other institutions for instruction in Hindi language and Hindi literature and also to affiliate schools, colleges and other institutions for its examinations ;
- (f) to affiliate institutions having for their object the promotion of Hindi language and Hindi literature ;
- (g) to award honorary degrees and other academic distinctions to persons who may have rendered distinguished service to the cause of Hindi ;
- (h) to institute and award prizes (Paritoshiks) to distinguished scholars in Hindi ;
- (i) to promote and encourage research in Hindi language and Hindi literature ;
- (j) to co-operate with other institutions having objects similar to those of the Sammelan, in such manner as may be conducive to their common objects ;
- (k) to receive gifts, grants, donations or benefactions from the Government and to receive bequests, donations or transfers of movable and immovable properties from testators, donors or transferors, as the case may be ;
- (l) to deal with any property belonging to or vested in the Sammelan in such manner as the Sammelan may deem fit for advancing the objects of the Sammelan ;
- (m) with the approval of the Central Government, to borrow on the security of the property of the Sammelan money for the purposes of the Sammelan ;
- (n) to perform such other functions as may be deemed unnecessary by the Sammelan for advancing the cause of Hindi language and Hindi literature or as may be necessary, incidental or conducive to the performance of all or any of the above functions."

6. Thus, from a reading of the aforementioned provisions it is seen that the Hindi Sahitya Sammelan, Allahabad is a statutory incorporated body and among other functions, it can arrange for the holding of examinations through the medium of Hindi language, confer degree, diplomas and other academic distinctions, establish and maintain schools, colleges and other institutions for instructions in Hindi language and Hindi literature and also to affiliate schools and colleges and other institutions for its examinations. Thus, it can affiliate institutions imparting education in Shiksha Visharad and also confer degree of Shiksha Visharad to the successful candidates. Even Section 22 of the University Grants Commission Act, 1956 which deals with the right to confer degrees, specifically recognises the right of an institution especially empowered by an Act of Parliament to confer or grant degrees. Section 22 of the University Grants Commission Act, 1956 is reproduced below :

"22. Right to confer degrees.-

(1) The right of conferring or granting degree shall be exercised only by a University established or incorporated by or under a Central Act, a Provincial Act or a State Act or an institution deemed to be a University under Section 3 or an institution specifically empowered by an Act of Parliament to confer or grant degrees.

(2) Save as provided in Sub-section (1), no person or authority shall confer, or grant, or hold himself or itself out as entitled to confer or grant, any degree.

(3) For the purposes of this section, "degree" mean any such degree as may be, with the previous approval of the Central Government, be specified in this behalf by the Commission by notification in the Official Gazette."

7. The University Grants Commission has notified the degree of Shiksha Visharad at serial No. 56, presently at serial No. 135 vide Notification No. F. 1-52/97 (CPP-II), dated 21st August, 2003, in the list of degrees recognised by it. Therefore, the degree of Shiksha Visharad conferred by the Hindi Sahitya Sammelan, Allahabad is one of the degrees recognised by the University Grants Commission.

8. The question still remains as to whether the petitioners who hold the Shiksha Visharad degree conferred by the Hindi Sahitya Sammelan, Allahabad are eligible for being appointed as a teacher or not.

9. The Government of India in order to maintain the standards and planned growth of teacher training institutions in the country constituted the National Council for Teacher Education, an expert body, in the year 1973. The main purpose was to advise the Central and the State Governments on all matters pertaining to teacher education. Its status and role was purely advisory and, therefore, had very little impact. To provide statutory powers to National Council for Teacher Education and empower it to make qualitative improvement in the system of teacher education by phasing out substandard institutions and courses for teacher education, to grant recognitions to institutions for teacher education and permission to recognise institutions for new course or training in teacher education, the Parliament enacted the National Council for Teacher Education Act, 1993 (hereinafter referred to as "The N.C.T.E. Act") which came into force on 1st July, 1995. Section 14 of the N.C.T.E. Act provides for recognition of institutions offering course or training in teacher education. It reads as follows :

"14. Recognition of institutions offering course or training in teacher education.--(1) Every institution offering or intending to offer a course or training in teacher education on or after the appointed day, may, for grant of recognition under this Act, make an application to the Regional Committee concerned in such form and in such manner as may be determined by regulations :

Provided that an institution offering a course or training in teacher education immediately before the appointed day, shall be entitled to continue such course or training for a period of six months, if it has made

an application for recognition within the said period and until the disposal of the application by the Regional Committee.

(2) The fee to be paid along with the application under Sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application by the Regional Committee from any institution under Sub-section (1), and after obtaining from the institution concerned such other particulars as it may consider necessary, it shall :

(a) if it is satisfied that such institution has adequate financial resources, accommodation, library, qualified staff, laboratory and that it fulfils such other conditions required for proper functioning of the institution for a course or training in teacher education, as may be determined by regulations, pass an order granting recognition to such institution, subject to such conditions as may be determined by regulations ; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in Sub-clause (a), pass an order refusing recognition to such institution for reasons to be recorded in writing :

Provided that before passing an order under Sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the concerned institution for making a written representation.

(4) Every order granting or refusing recognition to an institution for a course or training in teacher education under Sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such institution and to the concerned examining body, the local authority or the State Government and the Central Government.

(5) Every institution, in respect of which recognition has been refused shall discontinue the course or training in teacher education from the end of the academic session next following the date of receipt of the order refusing recognition passed under Clause (b) of Sub-section (3).

(6) Every examining body shall, on receipt of the order under Sub-section (4) ;

(a) grant affiliation to the institution, where recognition has been granted ; or

(b) cancel the affiliation of the institution, where recognition has been refused."

10. Section 15 of the N.C.T.E. Act provides for the requirement of obtaining permission for a new course or training by recognised institution. It reads as follows :

"15, Permission for a new course or training by a recognised institution.-

(1) Where any recognised institution intends to start any new course or training in teacher education, it may make an application to seek permission to the Regional Committee concerned in such form and in such manner as may be determined by regulations.

(2) The fees to be paid along with the application under Sub-section (1) shall be such as may be prescribed.

(3) On receipt of an application from an institution under Sub-section (1), and after obtaining from the recognised institution such other particulars as may be considered necessary, the Regional Committee shall :

(a) if it is satisfied that such recognised institution has adequate financial resources, accommodation, library, qualified staff, laboratory, and that it fulfils such other conditions required for proper conduct of the new course or training in teacher education, as may be determined by regulations, pass an order granting permission, subject to such conditions as may be determined by regulations ; or

(b) if it is of the opinion that such institution does not fulfil the requirements laid down in Sub-clause (a), pass an order refusing permission to such institution for reasons to be recorded in writing :

Provided that before passing an order refusing permission under Sub-clause (b), the Regional Committee shall provide a reasonable opportunity to the institution concerned for making a written representation.

(4) Every order granting or refusing permission to a recognised institution for a new course or training in teacher education under Sub-section (3) shall be published in the Official Gazette and communicated in writing for appropriate action to such recognised institution and to the concerned examining body, the local authority, the State Government and the Central Government."

11. Section 16 of the N.C.T.E. Act puts a prohibition on the examining body from holding examinations and granting affiliation of unrecognised courses and institutions. It reads as follows :

"16. Affiliating body to grant affiliation after recognition or permission by the council.---Notwithstanding anything contained in any other law for the time being in force, no examining body shall, on or after the appointed day,--

(a) grant affiliation, whether provisional or otherwise, to any institution ; or

(b) hold examination, whether provisional or otherwise, for a course or training conducted by a recognised institution, unless the institution concerned has obtained recognition from the Regional Committee concerned, under Section 14 or permission for a course or training under Section 15."

12. Section 17 of the N.C.T.E. Act deals with the contravention of the provisions of the Act and consequences thereof. It reads as follows :

"17. Contravention of provisions of the Act and consequences thereof.--Where the Regional Committee is, on its own motion or on any representation received from any person, satisfied that a recognised institution has contravened any of the provisions of this Act, or the rules, regulations, orders made or issued thereunder, or any condition subject to which recognition under Sub-section (3) of Section 14 or permission under Sub-section (3) of Section 15 was granted, it may withdraw recognition of such recognized institution, for reasons to be recorded in writing :

Provided that no such order against the recognized institution shall be passed unless a reasonable opportunity of making representation against the proposed order has been given to such recognised institution :

Provided further that the order withdrawing or refusing recognition passed by the Regional Committee shall come into force only with effect from the end of the academic session next following the date of communication of such order.

(2) A copy of every order passed by the Regional Committee under Sub-section (1) :

(a) shall be communicated to the recognised institution concerned and a copy thereof shall also be forwarded simultaneously to the University or the examining body to which such institution was affiliated for cancelling affiliation ; and

(b) shall be published in the Official Gazette for general information:

(3) Once the recognition of a recognised institution is withdrawn under Sub-section (1), such institution shall discontinue the course or training in teacher education, and the concerned University or the examining body shall cancel affiliation of the institution in accordance with the order passed under Sub-section (1), with effect

from the end of the academic session next following the date of communication of the said order.

(4) If an institution offers any course or training in teacher education after the coming into force of the order withdrawing recognition under Sub-section (1) or where an institution offering a course or training in teacher education immediately before the appointed day fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government."

13. From a reading of the aforementioned provisions it is seen that after the N.C.T.E. Act had come into force on 1.7.1995, all institutions which want to start any course in or training in teacher education, have to apply and get recognition from the National Council for Teacher Education. Even a recognised institution which intends to start a new course or training in teacher education has to get recognition for the said course. Not only this, any institution which is offering a course or training in teacher education before the commencement of the N.C.T.E. Act, is enjoined to apply for recognition of such course or training within six months from the appointed day, i.e., 1.7.1995, and if an application has been made, entitled to continue with the course or training till the disposal of the application by the Regional Committee. If the course of training in teacher education run by an institution is not recognized then the examining body has been prohibited from granting affiliation to the institution concerned and/or holding examination of such course or training. Any qualification obtained from an unrecognized institution or if the course or training is unrecognized then it is treated to be not a valid qualification for purposes of employment under the Central and the State Governments or in any school, college or other educational body aided by the Central Government or any State Government.

14. The provisions of the N.C.T.E. Act came up for consideration before a Division Bench of this Court in the case of Upendra Rai v. State of U.P. and Ors., 2000 (2) AWC 865 : 2000 (2) UPLBEC 1340, wherein it has been held as follows :

"3.So far as National Council for Teacher Education Act, 1993 is concerned, it was enacted as stated supra, to provide for the establishment of a National Council for Teacher Education with a view to accomplishing planned and coordinated development for teachers education system throughout the country and regulation and proper maintenance of norms and standards in the teachers education system....."

This Court had further held :

"4. The "teacher education" as defined in Section 2(1) of the Central Act means programmes of education, research or training of persons for equipping them to teach at pre-primary, primary, secondary and senior secondary stages in schools and includes non-formal education, part-time education, adult education and correspondence education. Section 12 of the Central Act enumerates the functions of the National Council for Teacher Education as established under Sub-section (1) of Section 3 of the Act. The functions enumerated in Section 12 inter alia include : (a) laying down guidelines in respect of minimum qualification for a person employed as a teacher in schools or in recognised institutions ; (b) laying down norms the Fundamental Rules any specified category of courses or training in teacher education, including the minimum eligibility criteria for admission thereof, and the method of selection of candidates, duration of the course, course contents and mode of curriculum ; and (c) formulation of schemes for various levels of teacher education and identify recognised institutions and set up new institutions for teacher development programmes. Section 14 of the Act enjoins upon every institution offering or intending to offer course or training in teacher education to make an application to the Regional Committee for grant of recognition. Section 15 requires prior permission of the Regional Committee as a condition precedent to starting any new course or training in teacher education by any recognised institution and according to Section 16 which has an overriding effect as the expressions 'notwithstanding anything contained in any other law for the time being in force' suggests no examining body

shall, on or after the appointed day, grant affiliation, whether provisional or otherwise, to any institution or hold examination, whether provisional or otherwise, for a course or training conducted by a recognized institution unless the institution concerned has obtained recognition from the Regional Committee concerned, under Section 14 of permission for a course or training under Section 15. Section 17 provides for withdrawal of recognition in the event of contravention of the provisions of the Act. Clause (4) of Section 17 visualizes that if an institution offers any course or training in teacher education after the coming into force of the order withdrawing recognition or where an institution offering course or training in teacher education immediately before the appointed day, fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after, undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government or "any State Government". This necessarily implies that qualification in teacher education obtained from an institution duly recognised under the provisions of the Act, would be treated as a valid qualification for purposes of appointment in Schools and Colleges or other educational body aided by the Central Government or any other State Government. Regard being had to the purpose and object sought to be achieved by the Act as also the provisions thereunder as discussed above, we are persuaded to the view that the person having obtained the qualification in teacher education from a recognised institution would be qualified for being considered in any school, college or other educational body aided by the Central Government or any State Government."

15. In the case of Union of India and Ors. v. Shri Goverdhan L. Kabra Teachers' College, (2002) 8 SCC 228, the Hon'ble Supreme Court while considering the provisions of the N.C.T.E. Act has held as follows :

"11.N.C.T.E. is an expert body created under the provisions of the National Council for Teacher Education Act, 1993 and Parliament has imposed upon such expert body the duty to maintain the standards of education, particularly, in relation to teachers' education. Education is the backbone of every democracy and any deterioration in the standard of teaching in the B.Ed. course would ultimately produce sub-standard prospective teachers who would be teaching in schools and colleges throughout the country and on whose efficiency the future of the country depends. Inasmuch as the teacher himself has received a substandard education it is difficult to expect from him a higher standard of teaching to the students of the schools or other institutions."

16. The Apex Court had held that on and from the date of enforcement of N.C.T.E. Act, every institution offering or intending to offer the course or training in teacher education was required to make application to the Regional Committee.

17. Thus, recognition of any course or training in teacher education imparted by an institution after the coming into force of the N.C.T.E. Act is sine qua non for being eligible for employment under the Central/State Governments or any school, colleges or other educational body aided by the Central/State Governments.

18. In the case of Virendralal B. Vaishya, Assistant Teacher, Government High School (Girls) DIU v. Union of India and Ors., 2003 (3) ESC 1562, the Bombay High Court has held that Shiksha Visharad degree given by the Hindi Sahitya Sammelan cannot be treated as equivalent to B.Ed. degree. The Bombay High Court has held as follows :

"10. Further, the order of N.C.T.E. dated 27th February, 2001 states that Hindi Sahitya Sammelan was not required to seek recognition from N.C.T.E. for conducting examinations for Shiksha Visharad. However, this does in any way throw any light on the fact as to whether the N.C.T.E. has accorded equivalence to the degrees of the Hindi Sahitya Sammelan with a B.A. degree of a recognised University. However, the order makes it clear that the N.C.T.E. Act requires recognition by N.C.T.E. for institutions running Teachers Training Courses. It has not been brought to our notice that such recognition has been accorded either to Rashtriya Patrachar Sanstha, Kanpur or to the Hindi Sahitya Sammelan for its Teachers Training Course.

Therefore, the petitioner's case that N.C.T.E. had accorded equivalence is not correct. The petitioner has failed to establish the equivalence of the degrees which the petitioner possesses with that of B.A. or B.Ed. degrees."

19. The Hon'ble Supreme Court in the case of State of Rajasthan and Ors. v. Lata Arun, AIR 2002 SC 2642, has held that after the deletion of Madhyama certificate from the recognised qualification by the notification dated 28th June, 1985, the person who has obtained the Madhyama certificate from the Hindi Sahitya Sammelan, Allahabad in the year 1984, is not entitled for admission in General Nursing and Mid-wifery and Staff Nurse course in Rajasthan under the relevant rules.

20. In the case of Uma Kant Tiwari and Ors. v. State of U. P. and Ors., 2003 (4) AWC 3016 ; 2003 (2) UPLBEC 1613, a Division Bench of this Court has held that if a degree of Vaidya Visharad and Ayurved Ratna given by the Hindi Sahitya Sammelan, Prayag, Allahabad after 1967 has not been recognized by the Central Council of Indian Medicine under the provisions of the Indian Medicine Central Council Act, 1970, then they cannot claim the right of practice.

21. It is not in dispute that all the institutions from which these petitioners have done their Shiksha Visharad course, have not been recognized by the National Council for Teacher Education under the provisions of the N.C.T.E. Act, which came into force on 1st July, 1995. Under Section 16 of the Act, it has been provided that no examining body shall, on or after the appointed date (1st July, 1995), hold examination, whether provisional or otherwise, for a course or training conducted by a recognised institution unless the institution had obtained recognition from the Regional Committee under Section 14 or permission for a course or training under Section 15. Under Section 17(4) of the Act, it has been provided that where an institution offering a course or training in teacher education immediately before the appointed date, fails or neglects to obtain recognition or permission under this Act, the qualification in teacher education obtained pursuant to such course or training or after undertaking a course or training in such institution, shall not be treated as a valid qualification for purposes of employment under the Central Government, or any State Government or University, or in any school, college or other educational body aided by the Central Government or any State Government. Thus, after the coming into force of the Act, the Hindi Sahitya Sammelan, Allahabad could not have held examination for a course or training conducted by any recognized institution unless the institution has obtained recognition from the Regional Committee for the course or training offered by it and if the institution has given training, such training cannot be treated a valid qualification for the purposes of employment in the Central Government, any State Government or University, or in any school/college or other educational body aided by the Central Government or any State Government.

22. It may be mentioned here that before the National Council for Teacher Education, in the appeal filed by the Hindi Sahitya Sammelan, Allahabad, the appellate authority, vide order dated 27th February, 2001, has held that the provisions of the Act do not envisage the grant of recognition to any examining body for conducting the examination and award of degree/diploma. It only requires recognition by the National Council for Teacher Education of the institution running teachers' training courses. Before the appellate authority, the representative of the Hindi Sahitya Sammelan stated that it does not conduct any teachers' training courses. It only conducts examination at various centres in the country.

23. Learned counsel for the petitioners submitted that various State Governments have been treating the degree of Shiksha Visharad conferred by Hindi Sahitya Sammelan, Allahabad as a valid degree for appointment in Basic Schools. Be that as it may, after the coming into force of the Act from 1st July, 1995, in view of the specific prohibition contained in Sections 16 and 17 of the Act, neither the examination held by the Hindi Sahitya Sammelan can be recognised nor the training course of Shiksha Visharad offered by an unregistered institution can be recognised. Thus, till such time the institutions running Shiksha Visharad course are recognised by the Regional Committee, the qualification acquired by each of the petitioners cannot be said to be a valid qualification for the purpose of giving appointment in the Basic Schools run by the State Government or the Basic Shiksha Parishad.

24. Thus, a degree of Shiksha Visharad which each of the petitioners have obtained from the institution not recognised by the National Council for Teacher Education, cannot confer any right to be considered for appointment on the post of a teacher.

25. The plea that the Government of U. P. had given appointment to persons who have done Shiksha Visharad from the Hindi Sahitya Sammelan, Allahabad, therefore, these petitioners should also be treated similarly is misconceived. It is well settled that the mere fact that the authority has passed a particular order in a case of another person, similarly situated, can never be the ground for issuing appointment in favour of the petitioners on the plea of the discrimination. The Hon'ble Supreme Court in the case of Chandigarh Administration and Anr. v. Jagjit Singh and Anr., (1995) 1 SCC 745, has held as follows :

"8. We are of the opinion that the basis or the principle, if it can be called one, on which the writ petition has been allowed by the High Court is unsustainable in law and indefensible in principle. Since we have come across many such instances, we think it necessary to deal with such pleas at a little length. Generally speaking, the mere fact that the respondent-authority has passed a particular order in the case of another person similarly situated can never be the ground for issuing a writ in favour of the petitioner on the plea of discrimination. The order in favour of the other person might be legal and valid or it might not be. That has to be investigated first before it can be directed to be followed in the case of the petitioner. If the order in favour of the other person is found to be contrary to law or not warranted in the facts and circumstances of this case, it is obvious that such illegal or unwarranted order cannot be made the basis of issuing a writ compelling the respondent-authority to repeat the illegality or to pass another unwarranted order. The extraordinary and discretionary power of the High Court cannot be exercised for such a purpose. Merely because the respondent-authority has passed an illegal/unwarranted order, it does not entitle the High Court to compel the authority to repeat that illegality over again and again. The illegal/unwarranted action must be corrected, if it can be done according to law--indeed, wherever it is possible, the Court should direct the appropriate authority to correct such wrong orders in accordance with law--but even if it cannot be corrected, it is difficult to see how it can be made a basis for its repetition. By refusing to direct the respondent-authority to repeat the illegality, the Court is not condoning the earlier illegal act/order nor can such illegal order constitute the basis for a legitimate complaint of discrimination. Giving effect to such pleas would be prejudicial to the interests of law and will do incalculable mischief to public interest. It will be a negation of law and the rule of law. Of course, if in case the order in favour of the other person is found to be a lawful and justified one it can be followed and a similar relief can be given to the petitioner if it is found that the petitioners' case is similar to the other person's case. But then why examine another person's case in his absence rather than examining the case of the petitioner who is present before the Court and seeking the relief. Is it not more appropriate and convenient to examine the entitlement of the petitioner before the Court to the relief asked for in the facts and circumstances of his case than to enquire into the correctness of the order made or action taken in another person's case, which other person is not before the Court nor is his case. In our considered opinion, such a course, barring exceptional situations, would neither be advisable nor desirable. In other words, the High Court cannot ignore the law and the well-accepted norms governing the writ jurisdiction and say that because in one case a particular order has been passed or a particular action has been taken, the same must be repeated irrespective of the fact whether such an order or action is contrary to law or otherwise. Each case must be decided on its own merits, factual and legal, in accordance with relevant legal principles. The orders and actions of the authorities cannot be equated to the judgments of the Supreme Court and the High Courts nor can they be elevated to the level of the precedent, as understood in the judicial world. (What is the position in the case of orders passed by the authorities in exercise of their quasi-judicial powers, we express no opinion. That can be dealt with when a proper case arises)."

26. The aforesaid decision has been followed subsequently in the case of Yadu Nandan Garg v. State of Rajasthan and Ors., (1996) 1 SCC 334 ; Secretary, Jaipur Development Authority, Jaipur v. Daulat Mal Jain and Ors., 1997 (1) AWC 2.57 (SC) (NOC) : (1997) 1 SCC 35 ; State of Haryana and Ors. v. Ram Kumar Mann, (1997) 3 SCC 321 ; Style (Dress Land) v. Union Territory, Chandigarh and Anr., (1999) 7 SCC 89 and C.S.I.R. and Ors. v. Dr. Ajay Kumar Jain, (2000) 4 SCC 186. Thus, the submissions made by the learned

counsel for the petitioner claiming parity is also devoid of any substance.

27. The learned counsel for the petitioner submitted that the University Grants Commission has recognised the degree of Shiksha Visharad as it has been mentioned in item No. 56, presently item No. 135, of the list of degrees recognised by it. It may be mentioned here that all the degree of Shiksha Visharad conferred by the Hindi Sahitya Sammelan, Allahabad do not stand recognised by the University Grants Commission. Only such teachers' training course which has been recognised by the National Council for Teacher Education, where Shiksha Visharad degree is given, have been recognised by the University Grants Commission.

28. In view of the above conclusion, it is not necessary to go into the question as to whether the person holding the degree of Shiksha Visharad are entitled to be appointed as Assistant Teacher in the Basic Schools run by the Board or not.

29. Before parting with the case, in order to safeguard the career of the students and to prevent them from being misled by unrecognised degrees, the Court feels it proper to issue directions to the State Government and the National Council for Teacher Education to ensure that the Hindi Sahitya Sammelan, Allahabad which is a body constituted under the provisions of the 1962 Act, does not hold any examination of a course of teacher training and/or grant affiliation to any institution which has not been recognised by the National Council for Teacher Education.

30. The Court further finds that the provisions of the N.C.T.E. Act are not sufficient to deal with unscrupulous person who run institutions/colleges offering unrecognized course or training in teacher education by playing with the career of innocent youths and ruining their life. Except under Section 17 of the N.C.T.E. Act, which deals with the contravention of the provisions of the N.C.T.E. Act and consequences thereof by only providing that the unrecognised course or training in teacher education shall not be treated as a valid qualification for the purposes of employment under the Central/State Government, or in any educational institution aided by the Central/State Government, there is no provision in the N.C.T.E. Act which may provide any deterrent for such an unscrupulous person. In fact, they go scot free leaving the innocent persons high and dry. Time has come for the Government of India to provide for more stringent provisions in the N.C.T.E. Act for dealing with such unscrupulous persons. The Registrar General is directed to send a copy of this order to the Secretary, Ministry of Human Resource Development, Government of India, New Delhi for taking appropriate steps.

31. In the result, all the writ petitions fail and are dismissed.