

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).4247-4248/2009

(From the judgement and order dated 07/01/2009 in CAW No. 52/2009 & WP No. 2701/2008 of The HIGH COURT OF BOMBAY AT NAGPUR)

RASHTRASANT T.M.S.& S.B.V.M.C.A.VID.&ORS

Petitioner(s)

VERSUS

GANGADAR NILKANT SHENDE & ORS.

Respondent(s)

(With appln(s) for directions and exemption from filing O.T. and with prayer for interim relief and office report)

WITH

SLP(C)No.2399-2400/2009, SLP(C)No.4243-4244/2009, SLP(C)No.4245/2009,
SLP(C)No.3253-3254/2009, SLP(C)No.4246/2009,
SLP(C)No.4249-4250/2009, SLP(C)No.5734-5735/2009, SLP(C)No.5737-5738/2009,
SLP(C)No.5739/2009,
SLP(C)No.5740/2009, SLP(C)No.5743-5744/2009, SLP(C)No.3238-3239/2009,
SLP(C)No.5736/2009, SLP(C)No.5745-5746/2009,
SLP(C)No.5747-5748/2009, SLP(C)No.5749-5750/2009, SLP(C)No.5752-5753/2009,
SLP(C)No.5754-5755/2009, SLP(C)No.5756-5757/2009, SLP(C)No.5758-5759/2009
SLP(C)No.5761-5762/2009, SLP(C)No.4009-4010/2009, SLP(C)No.4012-4013/2009,
SLP(C)No.5763-5764/2009, SLP(C)No.5771-5772/2009, SLP(C)No.5773-5774/2009
SLP(C)No.5775-5776/2009, SLP(C)No.5778-5779/2009, SLP(C)No.5781-5782/2009,
SLP(C)No.5789-5790/2009, SLP(C)No.5791-5792/2009, SLP(C)No.5793-5794/2009,
SLP(C)No.5765-5766/2009, SLP(C)No.5798-5799/2009, SLP(C)No.5800-5801/2009,
SLP(C)No.5802-5803/2009, SLP(C)No.5805-5806/2009,
SLP(C)No.5807/2009, SLP(C)No.5810-5811/2009, SLP(C)No.5814-5815/2009,
SLP(C)No.5816-5817/2009, SLP(C)No.5818-5819/2009, SLP(C)No.5820-5821/2009,
SLP(C)No.5823-5824/2009, SLP(C)No.5825-5826/2009, SLP(C)No.5827-5828/2009,
SLP(C)No.5829-5830/2009, SLP(C)Nos.5834-5835/2009, SLP(C)No.5836-5837/2009,
SLP(C)No.5838-5839/2009, SLP(C)No.5842-5843/2009, SLP(C)No.5844-5845/2009,
SLP(C)No.5846-5847/2009, SLP(C)No.5849-5850/2009, SLP(C)No.5767-5768/2009,
SLP(C)No.6634/2009, SLP(C)No.6859-6860/2009, SLP(C)No.6861-
6862/2009, SLP(C)No.6863/2009,
SLP(C)No.6865-6866/2009, SLP(C)No.6868-6869/2009, SLP(C)No.6870-6871/2009,
SLP(C)No.6872-6873/2009, SLP(C)No.8822- 8823/2009, SLP(C)No.8853-8855/2009,
SLP(C)No.8859-8860/2009, SLP(C)No.8861-8862/2009, SLP(C)No.12859-
12860/2009,
SLP(C)No.27909/2009, SLP(C)No.36061-36062/2009, SLP(C)No.36063-
36064/2009, SLP(C)No.36075-36076/2009, SLP(C)No.16949-16950/2009,
SLP(C)No.21635-21636/2009, SLP(C)No.21637-21638/2009, SLP(C)No.21639/2009,
SLP(C)No.21640/2009, SLP(C)No.21650-21651/2009, SLP(C)No.21652/2009,
SLP(C)No.21653-21654/2009, SLP(C)No.21655-21656/2009, SLP(C)No.21657-
21658/2009, SLP(C)No.21659/2009
SLP(C)No.21660/2009, SLP(C)No.21663-21664/2009 SLP(C)No.21665-21666/2009,
SLP(C)No.21647/2009,
SLP(C)No.21667/2009, SLP(C)No.21668-21669/2009, SLP(C)No.21670-21671/2009,
SLP(C)No.21672-21673/2009, SLP(C)No.21674/2009, SLP(C)No.21677-21678/2009,
SLP(C)No.21679/2009, SLP(C)No.21680/2009,
SLP(C)No.21681-21682/2009, SLP(C)No.21645-21646/2009, SLP(C)No.25602/2009,
SLP(C)No.26421/2009
SLP(C)No.25662/2009, SLP(C)No.23055-23056/2009, SLP(C)No.10364-10365/2009,
SLP(C)No.20642/2009, SLP(C)No.22638/2009, SLP(C)No.22642/2009,
SLP(C)No.22643/2009, SLP(C)No.20643/2009, SLP(C)No.22644/2009,
SLP(C)No.22647/2009, SLP(C)No.20651/2009, SLP(C)No.22648/2009,
SLP(C)No.22649/2009, SLP(C)No.22650/2009, SLP(C)Nos.11060-11061/2009,
SLP(C)No.11071-11072/2009, SLP(C)No.11055/2009, SLP(C)No.11049/2009,
SLP(C)No.11050/2009, SLP(C)No.11064-11065/2009, SLP(C)Nos.11053-
11054/2009, SLP(C)Nos.11058-11059/2009, SLP(C)Nos.11051-11052/2009,
SLP(C)Nos.11069-11070/2009, SLP(C)Nos.11056-11057/2009, SLP(C)Nos.27020-
27021/2009, SLP(C)Nos.25488-25489/2009 SLP(C)No.27151-27152/2009,

SLP(C)No.27240/2009

Date: 29/01/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L.GOKHALE

For Petitioner(s) Mr.P.G.Godhamgaonkar, Adv.
Mr.Robin Majumdar, Adv.
Mr.Kishore Lambat, Adv.

For Intervenor Ms.Pinky Anand, Sr.Adv.
Mr.Balendu Shekhar, Adv.
Mr.Sunil Kr.Verma, Adv.

In SLP(C)21639 & Mr.Uday B.Dube, Adv.
21640/2009 Mr.Kuldip Singh, Adv.

In SLP(C)27151-52/ Mr.Devadatt Kamat, Adv.
2009 Mr.Rauf Rahim, Adv.
Mr.Kishore Lambat, Adv.
Mr.D.K.Pradhan, Adv.

Mr.Abhay Kumar, Adv.
Mr.U.P. Singh, Adv.
Mr.Vineet Kr.Singh, Adv.

Mr.Sachin J.Patil, Adv.
Mr.Sunil Kr.Verma, Adv.

Mr.Sachin J.Patil, Adv.
Ms.Chandan Ramamurthi, A.O.R.

Mr.Satyajit A.Desai, Adv.
Mr.Somnath Pardhan, Adv.
Ms.Anagha A.Desai, Adv.

Ms.Revathy Raghavan, A.O.R.

Mr.Anil Kumar Tandale, A.O.R.

Mr. Shashibhushan P. Adgaonkar, Adv.

For Respondent(s) Mr.R.F.Nariman, SG
In SLP(C)4247-48/09 Mr.Gaurab Banerjee, ASG
Ms.Binu Tamta, Adv.
Mr.R.K.Rathore, Adv.
Mr.Farrukh Rasheed, Adv.
Mr.Sahil Tagotra, Adv.
Mr.D.S.Mahra, A.O.R.

In SLP(C)4247-48/09 Mr.Amitesh Kumar, Adv.
Mr.Ravikant, Adv.
Mr.Gopal Singh, Adv.

Mr.Sanjay V.Kharde, Adv.
Ms.Asha Gopalan Nair, A.O.R.

Mr.Shivaji M.Jadhav, Adv.

Mr.S.Rajappa, A.O.R.

Mr.K.N. Rai, A.O.R.

Mr.Himinder Lal, A.O.R.

Mr.B.K.Satija, A.O.R.

Mr.Sudhanshu S.Choudhari, A.O.R.

Dr.R.R.Deshpande, A.O.R.

Mr.S.K.Sabharwal, A.O.R.

Mr.Neeraj Kumar, A.O.R.

Mr.B.Sridhar, A.O.R.

Mr.Anil Kumar, A.O.R.

Mr.Alok Kumar, A.O.R.

UPON hearing counsel the Court made the following
O R D E R

We have perused the affidavits of Shri DP Majhi, Under Secretary in the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India and Smt.R.Jaya, Member Secretary, National Council for Teachers Education, Wing-II, Hans Bhawan, 1, Bahadurshah Zafar Marg, New Delhi and documents annexed therewith.

In our view, it will be 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 Shri Justice J.S.Verma (Former Chief Justice of India). Learned Solicitor General and Additional Solicitor General representing the Central Government and Shri Amitesh Kumar, learned counsel representing the NCTE requested that three weeks' time may be allowed to the concerned authorities to file better affidavits.

The request of learned counsel representing the Central Government and the NCTE is accepted and the cases are adjourned to 28.02.2013 for consideration of the fresh affidavits.

Shri Amitesh Kumar should file an additional affidavit of the competent authority giving the list of Regional Director and Members of the Western Regional Committee along with their educational qualifications and experience. The needful be done within three weeks.

I.A. Nos.20-23 of 2012, 24-27 of 2012 and 28-29 of 2012 in S.L.P(C) No.4247-4248 of 2009

After making submissions for some time, Shri Abhay Kumar, learned counsel for the applicants made a request that his clients may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the applicants are allowed to withdraw the objections with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to them and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant statutory provisions including the regulations framed under the NCTE Act, the guidelines framed by NCTE and the existing policy.

I.A.Nos. of 2012 in S.L.P.(C) Nos.4247-4248 of 2009

These applications have been filed by Kranti Jyoti Girls D.Ed. College Swami Vivekananda Sevabhavi Sanstha to raise objections against the report submitted by the High Powered Committee.

After making submissions for some time, Ms. Pinky Anand, learned senior counsel for the applicant made a request that her client may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicant to make fresh application for grant of recognition.

The request of the learned counsel is accepted and the objections are permitted to be withdrawn with liberty in terms of the

prayer made.

However, it is made clear that liberty given to the applicant to file fresh application shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicant and the application filed for that purpose shall be decided by the competent authority on its own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos.32-33, 34-35, 36-37, 38-39, 40-41, 42-43 of 2012 in S.L.P.(C) Nos.4247-4248 of 2012

After making submissions for some time, learned counsel for the applicants made a request that his clients may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the objections are permitted to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos.44-45 and 46-47 of 2012 in S.L.P.(C) Nos.4247-4248 of 2009

These applications have been filed on behalf of Saptaratna Bahuudeshiya Seva Bhavi Sanstha's Late Laxmanrao Naik D.Ed. College and Bharat Jankalyan Sahyog Kendra's Saraswati Adhyapak Vidyalaya D.Ed. College respectively for grant of four months' time to remove the deficiencies pointed out in the report of the High Powered Committee headed by former Chief Justice Shri J.S. Verma.

Although, no one has appeared for the applicants, having perused the averments contained in the applications, we are satisfied that there is no valid ground or justification to entertain the prayer made in the applications, which are dismissed.

I.A. No. of 2012 in S.L.P.(C) Nos.4247-4248 of 2009

These are the applications by Sau. Vatsalabai Amrutrao Patil Adhyapak Vidyalaya for permission to intervene in the proceedings of Rashtrasant T.M.S. & S.B.V.M.C.A. Vid. and others v. Union of India and others.

After making submissions for some time, Shri Abhay Kumar, learned counsel for the applicants made a request that his client may be permitted to withdraw the applications with liberty to file fresh applications for grant of recognition.

The request of the learned counsel is accepted and the applications are allowed to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos.6-7 of 2012 in S.L.P.(C) Nos.5823-5824 of 2009

After making submissions for some time, learned counsel for the applicant made a request that his client may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the objections are allowed to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos. of 2012 in S.L.P.(C) Nos.4243-4244 of 2009

These applications have been filed on behalf of the petitioner for grant of two months' time to remove the deficiencies pointed out in the report of the High Powered Committee headed by former Chief Justice Shri J.S. Verma.

After making submissions for some time, Ms. Pinky Anand, learned senior counsel for the applicants made a request that her clients may be permitted to withdraw the applications with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the applications are allowed to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos.6-7 of 2012 in S.L.P.(C) Nos.5827-5828 of 2009

These applications have been filed on behalf of the petitioner for grant of two months' time to remove the deficiencies pointed out in the Report of the High Powered Committee headed by former Chief Justice Shri J.S. Verma.

After making submissions for some time, Ms. Pinky Anand, learned senior counsel for the applicant made a request that her client may be permitted to withdraw the applications with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the applications are allowed to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos..... of 2012 in SLP(c) No.4245 of 2009 and 4246 of 2009

After making submissions for some time, Shri Abhay Kumar, learned counsel for the applicants made a request that his clients may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the objections are permitted to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

I.A. Nos.10-11 of 2012 in S.L.P.(C) Nos.21635-21636 of 2009

After making submissions for some time, Shri Shashibhushan P.

Adgaonkar, learned counsel for the applicants made a request that his clients may be permitted to withdraw the objections filed against the recommendation made by the High Powered Committee with liberty to the applicants to make fresh applications for grant of recognition.

The request of the learned counsel is accepted and the objections are permitted to be withdrawn with liberty in terms of the prayer made.

However, it is made clear that liberty given to the applicants to file fresh applications shall not be construed as a mandate of this Court to the concerned authority to grant recognition to the applicants and the applications filed for that purpose shall be decided by the competent authority on their own merits keeping in view the relevant Regulations, the guidelines framed by NCTE and the existing policy.

The remaining interlocutory applications are dismissed for non-prosecution.

(Satish K.Yadav)
Court Master

(Praveen Kr.Chawla)
Court Master

(Phoolan Wati Arora)
Court Master