

ITEM NO.59

COURT NO.11

SECTION IX

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 (C) 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.&amp; S.B.V.M.C.A.VID.&amp;ORS

Petitioner(s)

VERSUS

GANGADAR NILKANT SHENDE &amp; ORS.

Respondent(s)

(With appln(s) for directions,exemption from filing O.T. and 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.3238-3239/2009, 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.5736/2009, 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.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.5784-5785/2009, SLP(C)No.5786-5787/2009,  
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.5795-5796/2009, 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)No.5831-5832/2009, SLP(C)No.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

2

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.27923-27924/2009,  
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.6819-6820/2010, SLP(C)No.10364-  
10365/2009

Date: 13/05/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Arun R. Pednekar, Adv.  
Mr. Sunil Kumar Verma, Adv.

Mr. Arun R. Pednekar, Adv.  
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Mr. Abhay Kumar, Adv.

Mr. Neeraj Shekhar, Adv.  
Mr. Ashutosh Thakur, Adv.  
Mr. Priya Ranjan Roi, Adv.

3

Mr. C.K. Thomas, Adv.  
Mr. Alok Kumar, Adv.

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Mr. B.K. Satija, Adv.  
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Mr. Kuldip Singh, Adv.  
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Mr. Sudhanshu S. Choudhari, Adv.

For Respondent(s) Mr. Gopal Subramaniam, S.G.  
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Mrs. Rekha Pandey, Adv.  
Mr. D.S. Mahra, Adv.

Mr. Chinmoy Khaladkar, Adv.  
Mrs. Asha Gopalan Nair, Adv.

Mr. Amitesh Kumar, Adv.  
Mr. Ravi Kant, Adv.  
Mr. Gopal Singh, Adv.

Mr. K.N. Rai, Adv.

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

These petitions are directed against order dated 7.1.2009 passed by the Division Bench of the Bombay High Court, Nagpur Bench whereby recognition granted by Western Regional Committee at Bhopal (for short, 'WRC, Bhopal') of the National Council for Teacher Education (for short, 'the NCTE') to 291 colleges for starting D.Ed. course was quashed.

On 5.4.2011, learned counsel for the parties agreed that a Committee of experts be constituted to examine the entire gamut of recognition of large number of colleges by WRC, Bhopal.

4

On the next date of hearing i.e. 13.4.2011, Shri Amitesh Kumar, learned counsel representing the NCTE produced a statement containing the names of five reputed academicians, who could be appointed as members of the Committee, to scrutinize the documents of various institutions/colleges which were granted recognition by the WRC, Bhopal and also inspect the infrastructure and ascertain availability of the required number of teachers etc. After going through the list produced by Shri Amitesh Kumar and keeping in view the fact that the issues raised in these petitions are of considerable public importance, Shri Gopal Subramaniam, learned Solicitor General was requested to assist the Court.

On the next date of hearing i.e. 3.5.2011, the case was adjourned to enable the learned Solicitor General to make a statement on the composition of the Committee proposed to be set up by the Government of India and also indicate the Terms of Reference.

On 12.5.2011, the learned Solicitor General placed before the Court the tentative terms of reference and the names of academicians who have agreed to be members of the Commission proposed to be set up to go into various issues relating to teacher education in general

and in the context of the Right of Children to Free and Compulsory Education Act, 2009 in particular. He then sought a day's time to get in touch with the Former

5

Chief Justice of India, Shri Justice J.S. Verma to ascertain his willingness to head the Commission.

Today, the learned Solicitor General gave out that Shri Justice J.S.Verma, former Chief Justice of India, has graciously agreed to head the Commission. He also

placed before the Court the Terms of Reference which have been accepted by the Department of School Education and Literacy, Ministry of Human Resource Development and the list of Members of the Commission. The document produced by the learned Solicitor General reads as under:-

As per the letter dated 11th May 2011, the Terms of Reference accepted by Department of School Education and Literacy, Ministry of Human Resource Development are as follows:-

a) Whether in the context of the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the Regulations on Recognition Norms and Procedure that lay down the norms and procedure for various teacher education courses which are adopted by the NCTE are adequate or need review.

b) Whether further reforms are necessary to improve quality of teacher training and in-surface training.

c) To review whether the Regulations on Recognition Norms and Procedure, currently in force as laid down by the NCTE are being properly enforced. If not, how to evolve a fair and transparent manner in which these norms and standards may be enforced.

d) To review the existing practice of

6

appointment of members to the NCTE and the Regional Committees of NCTE and recommend measures to ensure that a transparent process in which the appointments to the NCTE are undertaken, so that the NCTE discharges its crucial role in providing vision and direction in the functioning of the NCTE.

NOTE: Bodies such as NCTE, AICTE and UGC will

get subsumed in the event the National Commission for Higher Education and Research (NCHER) Bill is passed.

e) To evolve standards and norms for evaluating teacher performance and audit of teachers.

f) To review whether the present provisions empowering withdrawal of recognition of institutions are adequate.

g) To determine what the methodology should be to examine/enforce quality in teacher training institutions.

h) To review whether the 291 institutions in the Western Region qualify to be recognized as Teacher Training Institutions.

Further, it is suggested that the Commission may consist of the following persons:-

1. Chief Justice J.S. Verma, former CJI -Chairman
2. Prof. Govardhan Mehta -Member
3. Prof. M. Anandakrishnan, Chairman, IIT Kanpur -Member
4. Prof. R. Govinda, VC, NUEPA & Director (I/c), NCERT -Member
5. Prof. Mrinal Miri, Former VC, NEHU -Member
6. Prof. A.K. Sharma, former Director, NCERT -Member
7. Prof. Poonam Batra, Faculty of Education, CIE, University of Delhi -Member
8. Shri S. Sathyam, Member, Former Secretary,

7

Govt, of India -Member

9. Shri Vikram Sahay, Director, Ministry of HRD, Govt. of India -Member Secretary

The Commission will be serviced by the NCTE/MHRD

The Learned Solicitor General indicated that the Commission is likely to accomplish its task within six months.

The Terms of Reference submitted by the learned Solicitor General and the composition of the Commission are approved. The Government of India shall notify appointment of the Commission as also the Terms of Reference within two weeks.

Let the cases be listed on 28th November, 2011.

(N. Annapurna)  
AR-cum-PS

(Phoolan Wati Arora)  
Court Master