

[2011] 7 S.C.R. 611

ABHYUDYA SANSTHA

v.

UNION OF INDIA & ORS.

(Civil Appeal Nos. 4305-06 of 2011)

MAY 12, 2011

[G.S. SINGHVI AND K.S. RADHAKRISHNAN, JJ.]

Education/Educational Institutions – Illegal admissions – Appellant-Educational Institutions filed SLP and made misleading statements before this Court that they were granted recognition by the Regional Committee of the National Council for Teacher Education (NCTE) and thereafter, obtained interim orders directing the State Government to allot students to the appellant institutions for the D.Ed course – During pendency of SLP, the Regional Committee of the NCTE refused recognition to the appellant institutions – Held: Appellants are not entitled to the relief under Article 136 – They deserve to be non-suited because they did not approach the Court with clean hands – Though the students were not party to the patently wrong and misleading statements made by the appellants, but none of the appellant institutions were granted recognition by the Regional Committee and as such the appellants could not have admitted any students – Thus, there is no valid ground much less justification to confer legitimacy upon the admission made by the appellants in a clandestine manner – Students who may have taken admission and completed the course from an institution, which had not been granted recognition, would not be able to impart value based education to the future generations of the country – Thus it is not proper to issue direction for regularising the admissions made by the appellants – The students are not eligible for the award of degree by the affiliating body – Appellants directed to pay Rs. 1 lakh each to the said students by way of compensation –

- A Also cost of Rs. 2 lakh imposed on each of the appellants – Costs – Compensation – National Council for Teacher Education Act, 1993 – s. 14 – National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2007 – Regulations 7 and 8 – Constitution of India, 1950 – Article 136.

- B Constitution of India, 1950 – Article 136 – Relief under – Entitlement for – Appellant Institutions made false statement of facts for seeking relief under Article 136 and obtained interim orders on the basis of misstatements made – Held: Appellants not entitled to relief under Article 136 – Costs of Rs 2 lakhs imposed – Costs – Administration of justice – Abuse of process of court.

- C National Council for Teacher Education Act, 1993 – Object of enactment – Explained.

- D Appellant-Educational institutions applied for grant of recognition for starting D.Ed. course but in view of the recommendations made by the State Government that there was no requirement of trained teachers in the State, the Regional Committee informed the appellants that their cases would not be processed. However, other educational institutions were issued letter of intent though final recognition was not granted. The Appellate Authority dismissed the appeal filed by one of the educational institution. Meanwhile, respondent Nos. 6 and 7 filed a writ petition challenging the exercise undertaken by the Regional Committee for grant of recognition to over 290 institutions since it was granted in total disregard of the views of the State Government. The Division Bench of the High Court quashed the said recognition granted by the Regional Committee. The appellant-educational institutions filed Special Leave Petitions praying for setting aside the orders passed by the Division Bench of the High Court as also filed applications seeking permission to file Special Leave

Petitions by stating that the orders passed by the High Court would adversely affect their right to continue the D.Ed. course. In the synopsis and list of dates, the appellants made categorical statement that after following the procedure prescribed under the National Council for Teacher Education Act, 1993 and the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2007, the National Council for Teacher Education (NCTE) granted permission/recognition to them for starting D.Ed. course. The Supreme Court passed interim orders directing the State Government to allot students to the appellant institutions for D. Ed course.

During the pendency of the Special Leave Petitions, the Regional Committee refused recognition to the appellants. The writ petitions as also appeal filed by the appellants were rejected. The appellant filed a writ petition before another High Court. The Single Judge of the High Court allowed the writ petition and remitted the matter to the Regional Committee for processing the applications of the appellants afresh.

The appellants contended before the Supreme Court that they were not granted recognition by the Regional Committee and none of them was eligible to admit students to D.Ed. course, but submitted that the Court may direct the Regional Committee to consider their applications for recognition and protect the students who got admission on the basis of allotment made by the State Government; and that the statements made in the synopsis and list of dates of the SLP about grant of recognition by NCTE were not deliberate and the institutions and the student may not be penalized for the lapse which inadvertently occurred at the time of drafting.

Dismissing the appeals, the Court

A HELD: 1.1 The appellants deserve to be non-suited because they have not approached the Court with clean hands. The plea of inadvertent mistake put forward by the counsel for the appellants and their submission that the Court may take lenient view and order regularisation of

B the admissions already made sounds attractive but does not merit acceptance. Each of the appellants consciously made a statement that it had been granted recognition by the NCTE, which necessarily implies that recognition was granted in terms of Section 14 of the National Council for

C Teacher Education Act, 1993 read with Regulations 7 and 8 of the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2007. Those managing the affairs of the appellants do not belong to the category of innocent, illiterate/uneducated

D persons, who are not conversant with the relevant statutory provisions and the court process. The very fact that each of the appellants had submitted application in terms of Regulation 7 and made itself available for inspection by the team constituted by the Western

E Regional Committee (WRC) at Bhopal shows that they were fully aware of the fact that they can get recognition only after fulfilling the conditions specified in the Act and the Regulations and that WRC, Bhopal had not granted recognition to them. Notwithstanding this, they made bold statement that they had been granted recognition by

F the competent authority and thereby succeeded in persuading this Court to entertain the special leave petitions and pass interim orders. The minimum which can be said about the appellants is that they have not approached the Court with clean hands and succeeded

G in polluting the stream of justice by making patently false statement. Therefore, they are not entitled to relief under Article 136 of the Constitution. [Para 16] [635-D-H; 636-A-B]

H 1.2 Although, in the absence of cogent material, it is

not possible to record a finding that the students were party to the patently wrong and misleading statement made by the appellants, the Court cannot overlook the fact that none of the appellants has been granted recognition by WRC, Bhopal and in view of the prohibition contained in Section 17A of the Act read with Regulation 8(12), the appellants could not have admitted any student. However, with a view to make business and earn profit in the name of education, the appellants successfully manipulated the judicial process for allocation of the students. Therefore, there is no valid ground much less justification to confer legitimacy upon the admission made by the appellants in a clandestine manner. Any such order by the Court would be detrimental to the national interest. The students who may have taken admission and completed the course from an institution, which had not been granted recognition, would not be able to impart value based education to the future generation of the country. Rather, they may train young minds as to how one can succeed in life by manipulations. Therefore, it is not proper to issue direction for regularising the admissions made by the appellants on the strength of the interim orders passed by this Court. [Para 17] [638-D-H]

1.3 Each of the appellants is saddled with costs of Rs.2 lakhs, which shall be deposited with the Maharashtra State Legal Services Authority within a period of three months. If the needful is not done, the Secretary, Maharashtra State Legal Services Authority shall be entitled to recover the amount of cost as arrears of land revenue. The appellants are also directed to pay Rs.1 lakh to each of the students by way of compensation in lieu of the injury inflicted upon them by way of misrepresentation about their entitlement to admit students to D.Ed. course. [Paras 18 and 21] [639-A-B-E]

1.4 None of the students, who had taken admission

A on the basis of allotment made by the State Government etc., shall be eligible for the award of degree etc. by the affiliating body. If the degree has already been awarded to any such student, the same shall not be treated valid for any purpose whatsoever. [Paras 19] [639-B-C]

B *Hari Narain v. Badri Das* AIR 1963 SC 1558; *G. Narayanaswamy Reddy v. Govt. of Karnataka* (1991) 3 SCC 261; 1991 (2) SCR 563; *Dalip Singh v. State of U.P.* (2010) 2 SCC 114; 2009 (16) SCR 111 – referred to.

C Case Law Reference:

	AIR 1963 SC 1558	Referred to.	Para 16
	1991 (2) SCR 563	Referred to.	Para 16
D	2009 (16) SCR 111	Referred to.	Para 16

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 4305-4306 of 2011.

E From the Judgment & Order dated 7.01.2009 & 16.1.2009 of the High Court of Judicature at Bombay Nagpur Bench, Nagpur, in Writ Petition No. 2701 of 2008 in CAW No. 52 of 2009 in Writ Petition No. 2701 of 2008.

WITH

F C.A. Nos. 4307-4308, 4309-4310, 4311-4312, 4313-4314, 4315 & 4316 of 2011.

G Shekhar Naphade, Ashok Srivastav, Himinder Lal, Sachin J. Patil, Arun R. Pednekar, Sunil Kumar Verma, Somanath Padhan, Anagha, S. Desai, Sudhanshu S. Choudhari, K.N. Rai, Amitesh Kumar, Sanjay V. Kharde, Chinmoy A. Khaladkar, R.K. Rathore, Rekha Pandey, S.S. Rawat, C.K. Sharma for the appearing parties.

H The Judgment of the Court was delivered by

G.S. SINGHVI, J. 1. Leave granted.

A

2. The only question which needs consideration in these appeals is whether the appellants who had not been granted recognition by the Western Regional Committee of the National Council for Teacher Education and who did not get affiliation from the examining body in accordance with the provisions of the National Council for Teacher Education Act, 1993 (for short, 'the Act') and the National Council for Teacher Education (Recognition, Norms and Procedure) Regulations, 2007 (for short, 'the Regulations') are entitled to question the order passed by the Division Bench of the Bombay High Court, Nagpur Bench whereby recognition granted to over 290 institutions was cancelled.

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3. With a view to achieve the object of planned and coordinated development for the teacher education system throughout the country and for regulation and proper maintenance of norms and standards in the teacher education system and for matters connected therewith, Parliament enacted the Act for the establishment of a Council to be called the National Council for Teacher Education (for short, "the NCTE") with multifarious functions, powers and duties. Section 2(c) of the Act defines the term "Council" to mean a Council established under sub-section (1) of Section 3. Section 2(i) defines the term "recognised institution" to mean an institution recognised under Section 14. Section 2(j) defines the term "Regional Committee" to mean a Committee established under Section 20. Section 3 provides for establishment of the Council which comprises of a Chairperson, a Vice-Chairperson, a Member-Secretary, various functionaries of the Government, thirteen persons possessing experience and knowledge in the field of education or teaching, nine members representing the States and Union Territories Administration, three members of Parliament, three members to be appointed from amongst teachers of primary and secondary education and teachers of recognised institutions. Section 12 of the Act enumerates

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A functions of the Council. Section 14 provides for recognition of institutions offering course or training in teacher education. Section 15 lays down the procedure for obtaining permission by an existing institution for starting a new course or training. Section 16 contains a *non obstante* clause and lays down that

B an examining body shall not grant affiliation to any institution or hold examination for a course or training conducted by a recognised institution unless it has obtained recognition from the concerned Regional Committee under Section 14 or permission for starting a new course or training under Section

C 15. The mechanism for dealing with the cases involving violation of the provisions of the Act or the rules, regulations, orders made or issued thereunder or the conditions of recognition by a recognised institution finds place in Section 17. By an amendment made in July, 2006, Section 17-A was added to

D the Act. It lays down that no institution shall admit any student to a course or training in teacher education unless it has obtained recognition under Section 14 or permission under Section 15. Section 29 declares that the NCTE shall, in the discharge of its functions and duties under the Act be bound

E by such directions on questions of policy as the Central Government may give in writing from time to time and the decision of the Central Government as to whether a question is one of policy or not shall be final. Section 31(1) empowers the Central Government to make rules for carrying out the provisions of the Act. Section 31(2) specifies the matters in

F respect of which the Central Government can make rules. Under Section 32(1) the Council can make regulations for implementation of the provisions of the Act subject to the rider that the regulations shall not be inconsistent with the provisions of the Act and the rules made thereunder. Section 32(2)

G specifies the matters on which the Council can frame regulations. Sections 12, 14 to 16 and 17-A of the Act, which have bearing on the decision of these appeals read as under:

H “12. *Functions of the Council.*— It shall be the duty of the Council to take all such steps as it may think fit for ensuring

planned and coordinated development of teacher education and for the determination and maintenance of standards for teacher education and for the purposes of performing its functions under this Act, the Council may— A

(a) undertake surveys and studies relating to various aspects of teacher education and publish the result thereof; B

(b) make recommendations to the Central and State Governments, Universities, University Grants Commission and recognised institutions in the matter of preparation of suitable plans and programmes in the field of teacher education; C

(c) coordinate and monitor teacher education and its development in the country;

(d) lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in schools or in recognised institutions; D

(e) lay down norms for 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; E

(f) lay down guidelines for compliance by recognised institutions, for starting new courses or training and for providing physical and instructional facilities, staffing pattern and staff qualifications; F

(g) xxx xxx xxx G

(h) xxx xxx xxx

(i) xxx xxx xxx

(j) examine and review periodically the implementation of H

A the norms, guidelines and standards laid down by the Council and to suitably advise the recognised institutions;

(k) xxx xxx xxx

(l) xxxxxx xxx

B

(m) xxx xxx xxx

(n) perform such other functions as may be entrusted to it by the Central Government.

C 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:

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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.

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

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(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,—

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(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

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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

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(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:

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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.

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(4) xxx

xxx

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(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).

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(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

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

15. Permission for a new course or training by 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 therefor to the Regional Committee concerned in such form and in such manner as may be determined by regulations.

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

B (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,—

C (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 regulation; or

D (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:

E 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) xxx xxx xxx

F 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,—

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

H (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. A

17-A. No admission without recognition.— No institution shall admit any student to a course or training in teacher education, unless the institution concerned has obtained recognition under section 14 or permission under section 15, as the case may be.” B

4. In exercise of the power vested in it under Section 32, he Council has framed regulations in 1995, 2002, 2005 and 2007. Since we are concerned with the 2007 Regulations, the relevant provisions thereof are reproduced below:- C

“5. *Manner of making application and Time Limit* D

(1) An institution eligible under Regulation 4, desirous of running a teacher education programme may apply to the concerned Regional Committee of NCTE for recognition in the prescribed form in triplicate along with processing fee and requisite documents. E

(2) xxx xxx xxx

(3) xxx xxx xxx

(4) xxx xxx xxx

(5) xxx xxx xxx

7. *Processing of Applications* G

(1) The applicant institutions shall ensure submission of applications complete in all respects. However, in order to cover the inadvertent omissions or deficiencies in documents, the office of the Regional Committee shall point out the deficiencies H

- A within 30 days of receipt of the applications, which
the applicants shall remove within 90 days. No
application shall be processed if the processing
fees of Rs.40,000/- is not submitted and such
applications would be returned to the applicant
institutions.
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- (2) Simultaneously, on receipt of application, a written
communication alongwith a copy of the application
form submitted by the institution(s) shall be sent by
the office of Regional Committees to the State
Government/U.T. Administration concerned.
- C
- (3) On receipt of the communication, the State
Government/UT Administration concerned shall
furnish its recommendations on the applications to
the office of the Regional Committee concerned of
the National Council for Teacher Education within
60 days from receipt. If the recommendation is
negative, the State Government/UT Administration
shall provide detailed reasons/grounds thereof with
necessary statistics, which shall be taken into
consideration by the Regional Committee
concerned while deciding the application. If no
communication is received from the State
Government/UT Administration within the stipulated
60 days, it shall be presumed that the State
Government/UT Administration concerned has no
recommendation to make.
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- (4) After removal of all the deficiencies and to the
satisfaction of the Regional Committee concerned,
the inspection of infrastructure, equipments,
instructional facilities etc, of an institution shall be
conducted by a team of experts called Visiting
Team (VT) with a view to assessing the level of
preparedness of the institution to commence the
course. Inspection would be subject to the consent
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of the institution and submission of the self-attested copy of the completion certificate of the building. Such inspection, as far as administratively and logistically possible, shall be in the chronological order of the date of receipt of the consent of the institution. In case the consent from more than one institution is received on the same day, alphabetical order may be followed. The inspection shall be conducted within 30 days of receipt of the consent of the institution.

(5) xxx xxx xxx

(6) xxx xxx xxx

(7) xxx xxx xxx

(8) xxx xxx xxx

(9) The institution concerned shall be informed, through a letter, of the decision for grant of recognition or permission subject to appointment of qualified faculty members before the commencement of the academic session. The letter issued under this clause shall not be notified in the Gazette. The faculty shall be appointed on the recommendations of the Selection Committee duly constituted as per the policy of the State Govt/Central Govt/University/UGC or the concerned affiliating body, as the case may be. The applicant institution shall submit an affidavit in the prescribed form that the Selection Committee has been constituted as stated above. A separate staff list with the details would be submitted in the prescribed form. The Regional Committee would rely on the above affidavit and the staff list before processing the case for grant of formal recognition.

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- A (10) xxx xxx xxx
- (11) The institution concerned, after appointing the requisite faculty/staff as per Regulation 7(9) above and fulfilling the conditions under Regulation 7(10) above shall formally inform the Regional Committee concerned alongwith the requisite affidavit and staff list. The Regional Committee concerned shall then issue a formal recognition order that shall be notified as per provision of the NCTE Act.
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- C (12) xxx xxx xxx
- (13) xxx xxx xxx
8. *Conditions for grant of recognition*
- D (1) An institution must fulfill all the prescribed conditions related to norms and standards as prescribed by the NCTE for conducting the course or training in teacher education. These norms, inter alia, cover conditions relating to financial resources, accommodation, library, laboratory, other physical infrastructure, qualified staff including teaching and non-teaching personnel, etc.
- E
- F (2) In the first instance, an institution shall be considered for grant of recognition for only one course for the basic unit as prescribed in the norms & standards for the particular teacher education programme. An institution can apply for one basic unit of an additional course from the subsequent academic session. However, application for not more than one additional course can be made in a year.
- G
- (3) xxx xxx xxx
- H (4) xxx xxx xxx

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- (5) xxx xxx xxx A
- (6) xxx xxx xxx
- (7) No institution shall be granted recognition under these regulations unless it is in possession of required land on the date of application. The land free from all encumbrances could be either on ownership basis or on lease from Government/Govt institutions for a period of not less than 30 years. In cases where under relevant State/UT laws the maximum permissible lease period is less than 30 years, the State Government/UT Administration law shall prevail. However, no building could be taken on lease for running any teacher training course. B
C
- (8) xxx xxx xxx D
- (9) xxx xxx xxx
- (10) At the time of inspection, the building of the institution shall be complete in the form of a permanent structure on the land possessed by the institution in terms of Regulation 8(7), equipped with all necessary amenities and fulfilling all such requirements as prescribed in the norms and standards. The applicant institution shall produce the original completion certificate, approved building plan in proof of the completion of building and built up area and other documents to the Visiting Team for verification. No temporary structure/asbestos roofing shall be allowed. E
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- (11) xxx xxx xxx G
- (12) An institution shall make admission only after it obtains order of recognition from the Regional Committee concerned under Regulation 7(11), and affiliation from the examining body. H

A (13) to (16) xxx xxx xxx"

B 5. Vide letter dated 2.2.1996, the NCTE issued guidelines for ensuring that the training institutions are established keeping in view the requirement of trained teachers in different States and U.T. These guidelines read as under:

C "1. The establishment of teacher training institutions by the Government, private managements or any other agencies should largely be determined by assessed need for trained teachers. This need should take into consideration the supply of trained teachers from existing institutions, the requirement of such teachers in relation to enrolment projections at various stages, the attrition rates among trained teachers due to superannuation, change of occupation, death, etc. and the number of trained teachers on the live register of the employment exchanges seeking employment and the possibility of their deployment. The States having more than the required number of trained teachers may not encourage opening of new institutions for teacher education or to increase the intake.

E 2. The States having shortage of trained teachers may encourage establishment of new institutions for teacher education and to increase intake capacity for various levels of teacher education institutions keeping in view the requirements of teachers estimated for the next 10-15 years.

F 3. Preference might be given to institutions which tend to emphasise the preparation of teachers for subjects (such as Science, Mathematics, English, etc.) for which trained teachers have been in short supply in relation to requirement of schools.

G 4. Apart from the usual courses for teacher preparation, institutions which propose to concern themselves with new emerging specialities (e.g. computer education, use of H

electronic media, guidance and counselling, etc.) should receive priority. Provisions for these should, however, be made only after ensuring that requisite manpower, equipment and infrastructure are available. These considerations will also be kept in view by the institution intending to provide for optional subjects to be chosen by students such as guidance and counselling, special education, etc.

5. With a view to ensuring supply of qualified and trained teachers for such specialities such as education of the disabled, non-formal education, education of adults, pre-school education, vocational education, etc. special efforts and incentives may be provided to motivate private managements/voluntary organisations for establishment of institutions, which lay emphasis on these areas.

6. With a view to promoting professional commitment among prospective teachers, institutions which can ensure adequate residential facilities for the Principal and staff of the institutions as well as hostel facilities for substantial proportion of its enrolment should be encouraged.

7. Considering that certain areas (tribal, hilly regions, etc.) have found it difficult to attain qualified and trained teachers, it would be desirable to encourage establishment of training institutions in those areas.

8. Institutions should be allowed to come into existence only if the sponsors are able to ensure that they have adequate material and manpower resources in terms, for instance, of qualified teachers and other staff, adequate buildings and other infrastructure (laboratory, library, etc.), a reserve fund and operating funds to meet the day-to-day requirements of the institutions, including payment of salaries, provision of equipment, etc. Laboratories, teaching science methodologies and practicals should have adequate gas plants, proper fittings and regular

A supply of water, electricity, etc. They should also have
adequate arrangements. Capabilities of the institution for
fulfilling norms prepared by NCTE may be kept in view.

B 9. In the establishment of an institution preference needs
to be given to locations which have a large catchment area
in terms of schools of different levels where student
teachers can be exposed to demonstration lessons and
undertake practice teaching. A training institution which has
a demonstration school where innovative and experimental
C approaches can be demonstrated could be given
preference."

6. For facilitating grant of recognition for establishment of
teacher training institutions in different parts of the country, four
Regional Committees including the Western Regional
D Committee at Bhopal (for short, 'WRC, Bhopal') were set up
by the NCTE. In 2006-2007, WRC, Bhopal granted recognition/
permission to large number of colleges/institutions to start
B.Ed./D.Ed. courses in the four States falling within its
jurisdiction, i.e. Gujarat, Madhya Pradesh, Maharashtra and
E Goa. On receipt of complaints that grave irregularities were
committed by WRC, Bhopal in granting recognition/permission,
the Central Government (Ministry of Human Resource
Development) in exercise of the power vested in it under
Section 29 of the Act issued order dated 21.8.2007 and
F directed WRC, Bhopal not to grant recognition to any institution/
course till a comprehensive review was undertaken. On
23.8.2007, the Central Government constituted three member
Committee headed by Ms. Anita Kaul, Joint Secretary, Ministry
of Human Resource Development to conduct an in-depth
G inquiry into the working of WRC, Bhopal. In its report, the
Committee highlighted the irregularities committed by WRC,
Bhopal in granting recognition to various institutions in the
States of Maharashtra, Madhya Pradesh and Gujarat without
taking into consideration the views of the concerned State
Governments. After considering the report of the Committee,
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the Central Government issued the following directions to the NCTE: A

“(a) The WRC, Bhopal will process all pending applications ensuring, however, that it scrupulously takes into account the views of the State Government on the issue of sanction or rejection of applications for recognition. In case, WRC, Bhopal differs with the views of the State Government, it shall record specific reasons in writing in such case and submit a special report to NCTE headquarters; B

(b) NCTE shall expedite the study on the demand and supply of teachers/teaching capacity specially for the State of Maharashtra, Gujarat, Madhya Pradesh and Chhattisgarh and; C

(c) The recommendations in respect of amendments to NCTE Act and its Regulations shall be carefully examined in consultation with Ministry of Law.” D

7. The aforesaid directions were considered in the 100th meeting of WRC, Bhopal and the following norms were laid down for considering the recommendations of the State Government: E

“(a) If there is any positive recommendation from the State Government, recognition/permission will be granted as per the NCTE Regulations: F

(b) If the Government has not communicated any positive or negative remarks within 60 days from the issuance of the letter from the WRC to the concerned Government, cases will be considered on merit basis: G

(c) In case of the negative recommendation without any justification, cases will be considered on merit basis;

(d) If the State Government's negative recommendations are there in respect of a particular institution with H

A justification and in the opinion of the Committee the justification is genuine, the cases will be rejected. The intimation of such cases will be sent to the NCTE headquarters.

B (e) If the WRC differs with the negative reasons/opinion of the State Government, cases will be forwarded to the NCTE headquarters.”

8. The appellant institutions submitted applications in 2006 and 2007 for grant of recognition for starting D.Ed course. The establishments of the appellants were inspected in March, C May, June and July 2008. After considering the inspection reports, WRC, Bhopal issued letters to the appellants requiring them to give clarification on some issues. The matter was again considered in the meetings of WRC, Bhopal held in D September/October 2008 in the light of the directives issued by the Central Government and the appellants were informed that their cases will not be processed. This was done in the back-drop of the recommendations made by the State Government that there was no requirement of trained teachers E in the State. In the cases of Rajarshi Sahoo Chatrapati Education Society, Jagruti Shikshan Sanstha and Navyuvak Shikshan Mandal, letters of intent were issued, but final recognition was not granted under Section 14 of the Act read with Regulation 8(12) of 2007 Regulations. The appeal filed by F Navyuvak Sikshan Mandal under Section 18 of the Act was dismissed by the appellate Authority.

9. In the meanwhile, respondent Nos.6 and 7 filed writ petition questioning the exercise undertaken by WRC, Bhopal for grant of recognition to over 290 institutions. They alleged G that recognition has been granted in total disregard of the provisions of the Act and the Regulations and that the views of the State Government were completely ignored. The Division Bench of the High Court, after an in-depth examination of the record produced before it and the relevant statutory provisions, H quashed the recognitions granted by WRC, Bhopal.

10. Although, the appellants were not at all affected by the order of the Division Bench of the High Court because they had not been granted recognition by WRC, Bhopal, they filed special leave petitions and prayed for setting aside orders dated 7.1.2009 and 16.1.2009 passed by the Division Bench of the High Court. They also filed applications for permission to file special leave petitions by stating that the orders passed by the High Court would adversely affect their right to continue the D.Ed. course. The appellants pleaded that the High Court could not have quashed the recognition granted by WRC, Bhopal without hearing the affected persons and without examining the issue of *locus standi* of the writ petitioners. They also claimed that infrastructure has been created by investing huge amount and cancellation of recognition will cause irreparable loss to them. In the synopsis and list of dates, all the appellants made categorical statement that after following the procedure prescribed under the Act and the Regulations, the NCTE granted permission/recognition to them for starting D.Ed. course.

11. Since the Court was not apprised of the true status of the applications filed by the appellants for grant of recognition and patently wrong and misleading statements were made that they have been duly recognised by the NCTE, this Court entertained the special leave petitions along with large number of other similar cases filed by those who had been granted recognition by WRC, Bhopal, issued notices and passed order of *status quo*. Later on, further interim orders were passed directing the State Government to allot students to the appellants for D. Ed course.

12. In the case of Abhyudya Sanstha, some interesting developments took place during the pendency of the special leave petition. By an order dated 26.4.2009/3.5.2010, WRC, Bhopal refused recognition to the appellant. The Writ Petition filed by the institute was allowed by the Division Bench of the High Court and WRC, Bhopal was directed to reconsider the

A appellant's plea for recognition. After remand, WRC, Bhopal
reconsidered the appellant's application and rejected the same
vide order dated 3.5.2010. The appeal preferred against that
order was dismissed by the competent authority. This time, the
appellant did not approach the Bombay High Court. Instead, it
B filed Writ Petition No. 6784 of 2010 in the Delhi High Court.
By an order dated 17.1.2011, the learned Single Judge allowed
the writ petition and remitted the matter to WRC, Bhopal for
processing the applications of the appellant afresh. These
additional facts clearly demonstrate that on the date of filing the
C special leave petition, appellant Abhyudya Sanstha did not have
recognition in terms of Section 14 read with Regulation 7(11).
The position of the other appellants is no better. Three of them
got letters of intent but none was granted recognition. We have
no doubt that if the appellants had not misrepresented the facts
and made wrong statement on the issue of their recognition by
D WRC, Bhopal, this Court would not have entertained the special
leave petition, what to say of passing interim orders.

13. At the hearing, Shri Shekhar Naphade and Shri Ashok
Srivastava, learned senior counsel appearing for some of the
E appellants fairly stated that their clients were not granted
recognition by WRC, Bhopal and none of them was eligible to
admit the students to D. Ed. course, but submitted that the Court
may direct WRC, Bhopal to reconsider their applications for
recognition and protect the students who got admission on the
F basis of allotment made by the State Government so that they
may not face difficulty in getting employment on the basis of
the degrees etc. awarded by the affiliating body. Learned senior
counsel submitted that the statements made in the synopsis
and list of dates of the special leave petitions about grant of
G recognition by NCTE were not deliberate and the institutions
and the students may not be penalized for the lapse, which
inadvertently occurred at the time of drafting the petitions. Shri
Ashok Srivastava, learned senior counsel stated that his client
has not admitted any student on the strength of the interim order
H passed by this Court.

14. Shri Amitesh Kumar, learned counsel for the NCTE submitted that the Court may not issue any direction for regularisation of admissions made by the appellants because none of them had been granted recognition by WRC, Bhopal. Learned counsel argued that in the absence of recognition by the competent authority, the appellants are not entitled to conduct any teacher training course and, therefore, the students admitted by them should not be allowed to reap the benefits of illegal admissions.

15. We have considered the respective submissions and carefully examined the records.

16. In our view, the appellants deserve to be non suited because they have not approached the Court with clean hands. The plea of inadvertent mistake put forward by the learned senior counsel for the appellants and their submission that the Court may take lenient view and order regularisation of the admissions already made sounds attractive but does not merit acceptance. Each of the appellants consciously made a statement that it had been granted recognition by the NCTE, which necessarily implies that recognition was granted in terms of Section 14 of the Act read with Regulations 7 and 8 of the 2007 Regulations. Those managing the affairs of the appellants do not belong to the category of innocent, illiterate/uneducated persons, who are not conversant with the relevant statutory provisions and the court process. The very fact that each of the appellants had submitted application in terms of Regulation 7 and made itself available for inspection by the team constituted by WRC, Bhopal shows that they were fully aware of the fact that they can get recognition only after fulfilling the conditions specified in the Act and the Regulations and that WRC, Bhopal had not granted recognition to them. Notwithstanding this, they made bold statement that they had been granted recognition by the competent authority and thereby succeeded in persuading this Court to entertain the special leave petitions and pass interim orders. The minimum, which can be said about the appellants

A is that they have not approached the Court with clean hands
and succeeded in polluting the stream of justice by making
patently false statement. Therefore, they are not entitled to relief
under Article 136 of the Constitution. This view finds support
from plethora of precedents. In *Hari Narain v. Badri Das* AIR
B 1963 SC 1558, *G. Narayanaswamy Reddy v. Govt. of
Karnataka* (1991) 3 SCC 261 and large number of other cases,
this Court denied relief to the petitioner/appellant on the ground
that he had not approached the Court with clean hands. In *Hari
Narain v. Badri Das* (supra), the Court revoked the leave
C granted to the appellant and observed:

“It is of utmost importance that in making material
statements and setting forth grounds in applications for
special leave made under Article 136 of the Constitution,
D care must be taken not to make any statements which are
inaccurate, untrue or misleading. In dealing with
applications for special leave, the Court naturally takes
statements of fact and grounds of fact contained in the
petitions at their face value and it would be unfair to betray
the confidence of the Court by making statements which
E are untrue and misleading. Thus, if at the hearing of the
appeal the Supreme Court is satisfied that the material
statements made by the appellant in his application for
special leave are inaccurate and misleading, and the
respondent is entitled to contend that the appellant may
F have obtained special leave from the Supreme Court on
the strength of what he characterises as
misrepresentations of facts contained in the petition for
special leave, the Supreme Court may come to the
conclusion that in such a case special leave granted to the
G appellant ought to be revoked.”

In *G. Narayanaswamy Reddy v. Govt. of Karnataka*
(supra), the Court noted that the appellant had concealed the
fact that the award could not be made by the Land Acquisition
Officer within the time prescribed under Section 11A of the
H

and Acquisition Act because of the stay order passed by the High Court and observed:

"..... Curiously enough, there is no reference in the special leave petitions to any of the stay orders and we came to know about these orders only when the respondents appeared in response to the notice and filed their counter-affidavit. In our view, the said interim orders have a direct bearing on the question raised and the non-disclosure of the same certainly amounts to suppression of material facts. On this ground alone, the special leave petitions are liable to be rejected. It is well settled in law that the relief under Article 136 of the Constitution is discretionary and a petitioner who approaches this Court for such relief must come with frank and full disclosure of facts. If he fails to do so and suppresses material facts, his application is liable to be dismissed. We accordingly dismiss the special leave petitions."

In *Dalip Singh v. State of U.P.* (2010) 2 SCC 114, this Court noticed the progressive decline in the values of life and observed:

"For many centuries Indian society cherished two basic values of life i.e. "satya" (truth) and "ahimsa" (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of the justice-delivery system which was in vogue in the pre-Independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-Independence period has seen drastic changes in our value system. The materialism has overshadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.

- A In the last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final.”
- B
- C 17. The question which remains to be considered is whether the Court should direct regularisation of the admission of the students, who were allotted to the appellants by the State Government etc. pursuant to the directions given by this Court. Although, in the absence of cogent material, it is not possible to record a finding that the students were party to the patently wrong and misleading statement made by the appellants, the Court cannot overlook the fact that none of the appellants has been granted recognition by WRC, Bhopal and in view of the prohibition contained in Section 17A of the Act read with Regulation 8(12), the appellants could not have admitted any student. However, with a view to make business and earn profit in the name of education, the appellants successfully manipulated the judicial process for allocation of the students. Therefore, there is no valid ground much less justification to confer legitimacy upon the admission made by the appellants in a clandestine manner. Any such order by the Court will be detrimental to the national interest. The students who may have taken admission and completed the course from an institution, which had not been granted recognition, will not be able to impart value based education to the future generation of the country. Rather, they may train young minds as to how one can succeed in life by manipulations. Therefore, we do not consider it proper to issue direction for regularising the admissions made by the appellants on the strength of the interim orders passed by this Court.
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18. In the result, the appeals are dismissed. Each of the appellants is saddled with costs of Rs.2 lacs, which shall be deposited with the Maharashtra State Legal Services Authority within a period of three months. If the needful is not done, the Secretary, Maharashtra State Legal Services Authority shall be entitled to recover the amount of cost as arrears of land revenue. A
B

19. We also declare that none of the students, who had taken admission on the basis of allotment made by the State Government etc., shall be eligible for the award of degree etc. by the affiliating body. If the degree has already been awarded to any such student, the same shall not be treated valid for any purpose whatsoever. C

20. WRC, Bhopal shall publish a list of the students, who were admitted by the appellants pursuant to the interim orders passed by this Court and forward the same to the Education Department of the Government of Maharashtra, which shall circulate the same to all government and aided institutions so that they may not employ the holders of such degrees. D

21. The appellants are directed to pay Rs.1 lac to each of the students by way of compensation in lieu of the injury inflicted upon them by way of misrepresentation about their entitlement to admit students to D.Ed. course. E

N.J.

Appeals dismissed.