

The High Court of Madhya Pradesh
Bench at Gwalior

WP-12834-2018

[SEEMA SHAKYA AND OTHERS]

Vs.

[THE BOARD OF SECONDARY EDUCATION THR. AND OTHERS]

Gwalior dated:24/08/2021:

Shri R.B.S. Tomar, learned counsel for the petitioners.

Shri Gaurav Mishra, learned counsel for respondents/Board.

Present petition invoking u/A.226 of the Constitution was filed by four petitioners praying for following reliefs;

“7.1 That, the respondent Board kindly directed to permit the petitioners to appear in the D.El.Ed./D.Ed. Second Year Course as a second chance student in the upcoming examination and also kindly directed to declare their result.

7.2 That, it may kindly held that three years duration provided under the NCTE Regulation 2014 shall not be applicable in the case of petitioners.

7.3 That the respondent board may kindly directed to declare the fresh mark sheet of the petitioners after including the marks of internal examinations which are with the respondent No.4 institution.

7.4 That, other relief doing justice including cost be ordered.”

During pendency of this petition due to certain subsequent events, additional pleadings were incorporated by way of amendments which was allowed by order dated 09.07.2021 and amended petition was brought on record. However, the prayer clause as quoted above, remained unchanged.

This petition has a checkered history which has been succinctly highlighted in the interim order passed in this case on 31.03.2021 which is reproduced below for ready reference and convenience;

“The factual matrix attending the instant case reveals that while serving as Samvida Shala Shikshak Grade-III the petitioners took admission in two year D.El.Ed. course in 2013-2014. In the first year examination of

this Course was held in July 2014 petitioners appeared (with the intervention of judicial interim order by this Court in W.P. No.4279/2014). The said W.P. No.4279/2014 was finally disposed of on 05.11.2014 by the Division Bench of this Court directing the petitioners to furnish migration certificate within two weeks. Aggrieved by said order, the respondent-Board approached the Apex Court by preferring SLP No.2549-2568/2015 which was decided on 22.11.2016 vide P/2 upholding the order of this Court dated 05.11.2014 with the direction that as and when the requisite documents are submitted, the results of the said examination be declared.

During the interregnum period due to non-declaration of result of the first year examination, the petitioners were prevented from appearing in the second year examination which was held in 2015-16. This impelled the petitioners alongwith two others to prefer W.P. No.3557/2017 wherein interim order dated 15.06.2017 vide P/5 was passed directing the respondent Board to allow the petitioners to appear in forthcoming second year D.El.Ed examination scheduled to commence from 20th June, 2017 with the condition that the result of the examination shall not be declared without leave of the Court. Pursuant to the interim order, petitioners appeared in second year examination with examination Center at Bhopal.

Thereafter, W.P. No.3557/2017 was finally disposed of on 24.11.2017 with direction to declare the result of petitioners within fifteen days vide P/8. Consequently, vide P/9 results were declared of the Second Year Examination wherein petitioners were shown absent in all the internal examination and thus, declared as fail.

The Principal of DIET, District Morena (M.P.) by letter dated 28.03.2018 (at page 68 of writ petition) informed that the petitioners had appeared in internal examination but due to concerned institution having not forwarded the marks obtained in the internal examination the Board could not be informed about the same.

In the aforesaid factual background, a prayer is made in this petition to provide the second chance to the petitioners to appear in second year D.El.Ed examination.

From the aforesaid and in particular the letter of Principal DIET, District Morena dated 28.03.2018 (at page 68 of this writ petition), it appears that petitioners had appeared in the internal examination.

Accordingly, this Court directs that the original record of the internal examination qua the petitioners including the marks obtained by them in the internal examination be produced by the respondents.

Registry is directed to serve a copy of this order to counsel for Board as well as the State.

List this case in second week of April, 2021.”

Pursuant to the aforesaid interim order passed by this Court on 31.03.2021, the response filed by the State revealed that though the petitioners appeared in the internal examination, but information in that regard was not forwarded by the Examination Centre to the Board and, therefore, the Board presumed the petitioners to be absent in internal exam and thus, marked them absent in all internal examinations leading to the final result being “fail” in the second year Exam of D.El.Ed.

However, what is noticeable in this case is that in the second year examination, petitioners have failed in more than one theory subjects as is evident from Annexure P/11, therefore, the exercise of adjudicating the issue of non-forwarding of intimation regarding appearance of the petitioner in the internal examination, would be an exercise in futility. The petitioners having failed in their first attempt in the second year D.El.Ed Examination are claiming second chance to reappear and pass the second year D.El.Ed Examination. It is not disputed by petitioners that NCTE (Recognition Norms and Procedure) Regulations, 2014 which came into effect from November, 2014, Appendix-2 in particular, restricted the maximum period for completing two year D.El.Ed programme, to three years from the date of admission.

The petitioners were admitted to D.El.Ed programme in July-August, 2013.

The three year period to complete the D.El.Ed programme is long over. However, without going into issue of applicability/non-applicability of the 2014 Regulations to the petitioners, this Court is not inclined to grant relief to the petitioners who have failed in more than one theory subjects in the second year.

From the above, this Court is of the considered view that no case for interference is made out not only because the three years is long over but also that this Court cannot become a party to enable non-meritorious persons to be admitted to a teacher training programme, especially when this Court is conscious of the fact that allowing said non-meritorious persons to become teachers would be disastrous for the future of innocent children in primary schools in Government Sector.

Accordingly, this Court decline interference and **dismisses** this petition.

Before parting this Court is moved by the steep decline in the standard of education in primary schools in Government Sector. After incorporation of Article 21-A in the Constitution, the State is obliged to leave no stone unturned to instill life, vitality, morality, human values, skill, merit and the power to think, understand and live life of dignity in synch with nature.

This Court is aware of the rapidly falling standards of Primary Education, especially in Government Sector. The Teacher Training Programme like D.El.Ed prescribes very low passing marks thereby enabling persons of average and below average academic qualifications and competence to become teachers. It is common knowledge that a non-

meritorious and ill-equipped teacher would be an obstacle for betterment of standards of Primary Education in Government Sector. Less meritorious and incompetence teachers would breed incompetent students.

Teachers were a revered class of celebrated citizens in ancient times and were treated with great respect and reverence by one and all. The reason was that the teachers used to instill morality, competence, discipline and merit, especially in the primary schools.

It is well known that primary schools build the foundations of the nation. Conscious of aforesaid, the law makers incorporated Article 21-A making free and compulsory education for all children from the age of 06 to 14 years a fundamental right w.e.f. 2002. This led to enactment of Right of Children to Free and Compulsory Education Act, 2009. This was closely followed by framing of Rights of Children to Free and Compulsory Education Rules, 2010 which in Part-VI provided for minimum qualifications, salary, allowance and conditions for service for teachers which were required to be maintained at a particular standards so as to ensure minimum requisite merit in teachers.

The State Government, in particular, The State of Madhya Pradesh has prescribed very low minimum standards in Teacher Training Programme which have led to influx of average and below average persons becoming teachers in Primary Schools in the Government Sector.

In view of aforesaid, the ultimate loser is the innocent child who on being admitted to a primary school in a Government Sector hopes and expects of being taught good quality education which not only teaches

the child reading, writing & arithmetic, but also the ability to distinguish between right and wrong, moral and immoral and above all to learn discipline in life to become useful for the Society and nation. These foundational traits can be instilled in a child only when the teachers teaching the child are of sterling quality, in character, conduct, behaviour and human values.

Conspectus of the above discussions leads this Court to make earnest request from the Government and its functionaries including law makers that by way of statutory or other provisions incorporate exceptionally high standards of minimum qualification and merit as requisites eligibility criteria for a person seeking admission to any Teacher Training Programme. Besides high quality of merits, the persons seeking induction into Teacher Training Programme ought to possess very high moral and human values. This will undoubtedly help in imparting education of highest standards and not merely literacy to children in primary schools in Government Sector.

The aforesaid is possible only when salaries, allowances and perquisites attached to the post of a primary teacher in the Government Sector are attractive. In fact, a primary teacher should be one of the highest paid employees under the government so that the most meritorious available in the society is attracted and the best out of them have sterling qualities are ultimately picked up to be appointed as teachers.

This Court hopes and prays that if effort is made by the State and its functionaries and law making bodies in this direction, the rapidly

falling standards of education in Primary Schools in Government Sector can not only be halted but reversed.

Registry is directed to communicate a copy of this order to the Principal Secretary Law & Legislative Affairs and Principal Secretary General Administration Department.

No cost.

(Sheel Nagu)
Judge
(24/08/2021)

(Deepak Kumar Agarwal)
Judge
(24/08/2021)

vpn