

Suresh Pal and Others

Vs

State of Haryana and Others

Civil Appeal No. 4161 of 1986

(CJI P. N. Bhagwati, Ranganath Misra JJ)

07.11.1986

ORDER

1. Special leave granted.

2. The certificate course in Physical Education in Shri Hanuman Vayayam Prasarak Mandal, Amravati, Maharashtra was recognized by the Government of Haryana in 1973 for appointment to the post of Physical Training Instructor in government schools in Haryana. On the basis of this recognition granted by the state of Haryana to the certificate course of physical education in this Institution in Amravati, the petitioners joined the certificate course and were receiving instruction in this institution until January 9, 1985 when the state of Haryana derecognised the certificate course with the result that the certificates obtained by the petitioners at the end of the certificate course became useless for obtaining service as Physical Training Instructors in Haryana. The petitioners, therefore, filed a writ petition in the High Court of Punjab and Haryana for a writ directing the State of Haryana to recognise the certificates obtained by them, because they had joined the course on the basis of the recognition given by the State of Haryana and the recognition was in force at the time when they joined the course. The writ petition was however rejected summarily by the High Court and hence the present appeal by special leave.

3. We are of the view that since at the time when the petitioners joined the course, it was recognised by the Government of Haryana and it was on the basis of this recognition that the petitioners joined the course, it would be unjust to tell the petitioners now that though at the time of their joining the course it was recognized, yet they cannot be given the benefit of such recognition and the certificates obtained by them would be futile, because during the pendency of the course it was derecognized by the state government on January 9, 1985. We would, therefore, allow the appeal and direct the State Government to recognize the certificates obtained by the petitioners and others similarly situate as a result of completing the certificate course in Shri Hanuman Vayayam Prasarak Mandal, Amravati for the purpose of appointment as Physical Training Instructor in government schools in Haryana. Of course, if any person has joined the certificate course after January 9, 1985 he would not be entitled to the benefit of this order and any certificate obtained by him from the said Institute would be of no avail. There will be no order as to costs of the appeal.

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