

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			WPSS No. 2242 of 2019 <u>Hon'ble Manoj Kumar Tiwari, A.C.J.</u> (1) Mr. Vinay Kumar, learned counsel for the petitioners. (2) Mr. P.S. Bisht, learned Additional C.S.C. for the State of Uttarakhand. (3) Mr. R. Joshi, Advocate holding brief of Mr. Yogesh Pacholia, learned counsel for respondent no. 4. (4) Mr. Shashank Upadhyaya, learned counsel for respondent no. 5. (5) Pursuant to an advertisement dated 17.02.2016, petitioners participated in a selection for appointment to the post of Assistant Teacher, Government Primary School. One of the condition of eligibility for appointment was that a candidate should have qualified Uttarakhand Teacher Eligibility Test-I (<i>UTET-I</i>) or Central Teacher Eligibility Test-I (<i>CTET-I</i>). (6) According to petitioners, they have qualified UTET-I conducted by State of Uttarakhand, yet they are not appointed. Grievance raised by petitioners is against selection and appointment of certain persons, who, according to petitioners, were not eligible to participate in CTET-I. According to petitioners, CTET-I was open only for D.El.Ed. & D.Ed. qualification holders, while private respondents do not possess either of these two qualifications, instead they possess B.Ed. qualification. It is contended that in the information bulletin, in respect of CTET-I,

			B.Ed. qualification was not sufficient for participating of CTET-I, thus, according to petitioners, candidatures of such candidates, who appeared in CTET-I, despite having B.Ed. degree ought to have been rejected by the Appointing Authority. Thus, according to petitioners, B.Ed. degree holders, who appeared and qualified CTET-I, are not eligible for appointment and their candidature ought to have been rejected by the Director, Elementary Education. (7) This Court is not impressed by the contention raised on behalf of petitioners. It is not in dispute that CTET-I certificate issued to private respondents have not been cancelled by CBSE, which issued such certificate to them. CTET-I certificate was issued to the private respondents in the year 2012-13, which has not been cancelled or rescinded by the Competent Authority so far. (8) Petitioners also did not challenge the said certificate within a reasonable time and challenge has been thrown to the CTET-I certificate possessed by private respondents for the first time in 2019, by filing this writ petition. Whether private respondents were eligible to participate in CTET-I or not could be seen by the Agency, which conducted such Test. CBSE has never questioned eligibility of private respondents to participate in CTET-I Test. Petitioners raised this issue for the first time only when private respondents were selected and appointed, as Assistant Teacher, Government Primary School, therefore, this Court is not inclined to go into the question now raised by petitioners regarding eligibility of private respondents to participate in CTET-I or validity of their CTET-I certificate. (9) It is settled position in law that
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			selection/appointment to a public service has to be made strictly as per provisions contained in the relevant Recruitment Rules. There is no allegation by the petitioners that the relevant Recruitment Rules were not followed while appointing the private respondents or the private respondents are not eligible for appointment as per the applicable service rules. (10) In such view of the matter, this Court does not find any reason to interfere in the matter. Accordingly, writ petition fails and is hereby dismissed. (Manoj Kumar Tiwari, A.C.J.) 22.12.2023 <i>Aswal</i>
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