

GAHC010225522024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5514/2024

DR. PRANJAL PRATIM BORAH
S/O- LATE DEVA BORAH, R/O- HOUSE NO. 115, KK PATH,
KACHALUKHOWA, NAGAON, 782001, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, ASSAM ELEMENTARY EDUCATION
DEPARTMENT, DISPUR, GUWAHATI- 6

2:THE ASSAM PUBLIC SERVICE COMMISSION
REPRESENTED BY THE CHAIRMAN
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22

3:THE CHAIRMAN
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22

4:THE DEPUTY SECRETARY
ASSAM PUBLIC SERVICE COMMISSION
JAWAHAR NAGAR
KHANAPARA
GUWAHATI-22

5:THE STATE COUNCIL OF EDUCATION RESEARCH AND TRAINING
(SCERT)
REPRESENTED BY ITS DIRECTOR

KAHILIPARA
GUWAHATI-19

6:THE DIRECTOR
SCERT
ASSAM KAHILIPARA
GUWAHATI-19

7:UNIVERSITY GRANTS COMMISSION (UGC)
REPRESENTED BY ITS CHAIRMAN
BAHADUR SHAH ZAFAR MARG
NEW DELHI- 11000

Advocate for the Petitioner : MR B P BORAH, MR H MAZUMDER,MR P J DUTTA,MR. U S BORA

Advocate for the Respondent : GA, ASSAM, SC, ELEM. EDU,SC, APSC,SC, SCERT, ASSAM

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

O R D E R

28.10.2024

Heard Mr. B.P. Borah, learned counsel for the petitioner. Also heard Mr. P.K. Borah, learned Standing Counsel, Elementary Education Department, Assam for the respondent No.1, Mr. T.J. Mahanta, learned Standing Counsel, assisted by Ms. P. Sharma, learned counsel, appears for the respondent Nos. 2, 3 & 4, Mr. S. Bora, learned Standing Counsel, SCERT, for the respondent Nos. 5 & 6 and Mr. A. Chamuah, learned Standing Counsel, UGC for the respondent No.7.

2. The petitioner is having a Master's Degree in Social Work, is also qualified under the National Eligibility Test (NET) and also has a Ph.D Degree. Pursuant to an advertisement No.20/2022 issued by the Deputy Secretary, Assam Public Service Commission (in short the Commission) on

13.09.2022, the petitioner applied for the post of Lecturer, District Resource Unit (DRU). Thereafter, on 05.10.2024, the Commission uploaded the list of candidates, whose applications have been rejected. Therein, the name of the petitioner appears at Serial No.186 and the ground of rejection of the petitioner is that he does not have the requisite qualification.

3. The essential qualification for the post of Lecturer, District Resource Unit (DRU) as notified in the advertisement dated 13.09.2022 reads as under:-

“Essential Qualification:

(i) Master degree in Human/Social Science with 55% marks from any recognized university

(ii) Degree/Diploma in AE or Social Work or Community Development or Rural Development or Women’s Studies or Communication or Journalism or Degree in Teacher Education with Specialization in Adult education with 55% marks

(iii) NET/SLET/Ph.D from any recognized university.”

4. Mr. B.P. Borah, learned counsel for the petitioner submits that the petitioner has a Master’s Degree in Social Work as well as qualified NET and also has a Ph.D Degree in Social Work. He, therefore, submits that the petitioner having all the requisite qualification prescribed for the post of Lecturer, District Resource Unit (DRU), his case could not have been rejected. He further submits that as regards the essential qualification at Serial No.3 (ii), it is prescribed only as Degree/Diploma in AE or Social Work or Community Development or Rural Development or Women’s Studies or Communication or Journalism or Degree in Teacher Education with Specialization in Adult education with 55% marks. Therefore, Serial No.3 (ii) of the essential qualification does not prescribe that the candidate

should have a Graduate Degree in the said subjects and as the petitioner already has a Master's Degree in Social Work, the petitioner should have been permitted to appear in the interview, which is to be held today i.e. 28.10.2024. He, however, submits that insofar as the Graduate Degree of the petitioner is concerned, he is having a Degree in Computer Application. However, as in the advertisement dated 13.09.2022, there is no mention of Graduate Degree in the required essential qualification with regard to the post of Lecturer, District Resource Unit (DRU), therefore, the Master's Degree held by the petitioner in Social Work would indicate that the petitioner has the essential qualification.

5. The learned counsel for the petitioner has also drawn the attention of this Court to the Assam District Institute of Education and Training (D.I.E.T) Service Rules, 2010 (in short Rules of 2010), particularly, with regard to Schedule-II, wherein the qualification for the post of Lecturer in District Resource Unit (DRU) is prescribed. He submits that in the said schedule, there is no mention of Graduate Degree and therefore, the Master's Degree held by the petitioner in Social Work would qualify him for being called for the interview for the said post of Lecturer in District Resource Unit (DRU).

6. The learned counsel for the petitioner has also drawn the attention of this Court to the list of Degrees specified for the purpose of Section 22 of the University Grants Commission Act, 1956, wherein at Serial No.10, under the Master's Degree Column, it is shown as Master of Social Work (MSW). Therefore, the rejection of the petitioner on the ground of not having the requisite qualification does not arise and the respondents, particularly, the APSC should be directed to permit the petitioner to sit in

the interview that is being held today i.e. 28.10.2024.

7. Mr. T.J. Mahanta, learned Standing Counsel, APSC on the other hand submits that in pursuance of the draft advertisement received by the Commission, the Advertisement No.20/2022 was issued inviting applications from the intending candidates for 65 numbers of post of Lecturer in D.I.E.T under the Directorate of SCERT, Elementary Education Department, including 08(eight) numbers of post of Lecturer, District Resource Unit (DRU). He submits that the required essential qualification for the post of Lecturer, District Resource Unit (DRU) is in consonance with Schedule-II of the Rules of 2010. Thereafter, the Commission after receiving the applications, scrutinized the same and the candidature of the candidates, who did not fulfil the criteria as laid down in the advertisement, were rejected on the grounds of not having requisite qualification, over age, improper treasury challan etc. He submits that the candidature of the petitioner was rejected on the ground of not having the requisite qualification inasmuch as, the petitioner did not fulfil the minimum essential qualification required under Serial No.3 (ii).

8. The learned Standing Counsel for the Commission also submits that the petitioner is a Master Degree holder in Social Work and he is qualified NET in Social Work, but he does not possess a Degree or Diploma in terms of Serial No.3 (ii). Further submission is made that there is no mention in the advertisement dated 13.09.2022 that a Master's Degree in Social Work would exempt a candidate from the second criteria of having a Degree/Diploma in the mentioned subjects. Under the circumstances, the Commission after scrutinizing the application made by the petitioner, rejected his case inasmuch as, he does not have the requisite qualification

as prescribed under Column-3(ii).

9. This Court have considered the submissions forwarded by the learned counsel for the parties.

10. There is no doubt that the petitioner is having a Master's Degree in Social Work and he is a qualified NET in Social Work and also possesses a Ph.D Degree. However, on a perusal of the essential qualification for the post of Lecturer, District Resource Unit (DRU), which has already been quoted hereinabove, it is seen that the essential qualification under Serial No.3 (ii) is a Degree/Diploma in AE or Social Work or Community Development or Rural Development or Women's Studies or Communication or Journalism or Degree in Teacher Education with Specialization in Adult education with 55% marks.

11. To a pointed question made by the Court to the learned counsel for the petitioner as to whether the petitioner has a Degree in any of the required subjects as specified in Serial No.3 (ii), the learned counsel for the petitioner submits that the petitioner has only a Graduate Degree in Computer Application.

12. This Court has also perused the Rules of 2010, particularly, Schedule-II appended to the said Rules. The qualification required for the post of Lecturer in District Resource Unit (DRU) as per the advertisement dated 13.09.2022 is in consonance with Schedule-II to the Rules of 2010. However, when the petitioner does not have the required qualification as required under Serial No.3 (ii) for the post of Lecturer, District Resource Unit (DRU), this Court has no hesitation to come to the conclusion that the petitioner does not fulfil the requirement required under Serial No.3 (ii) of

the advertisement dated 13.09.2022 inasmuch as, he has only a Graduate Degree in Computer Application. Therefore, this Court does not see any infirmity in the action of the Commission rejecting the case of the petitioner on the ground of not having the requisite qualification.

13. Accordingly, there is no merit in the present writ petition and the same is accordingly dismissed.

JUDGE

Comparing Assistant