

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 324 of 2015**

1. Smt. Ritu Tiwari W/o Laxmi Narayan Tiwari, aged about 37 years, R/o Rajapara Champa, Civil and Revenue District Janjgir-Champa, Chhattisgarh.
2. Smt. Bhamini Kurre W/o Virendra Kurre, aged about 33 years, R/o Ward No. 15, Kotadabri, Champa, Civil & Revenue District Janjgir-Champa, Chhattisgarh.

---- Appellants**Versus**

1. State of Chhattisgarh, Through - The Secretary, Department of Urban Administration, DKS Bhawan, Raipur, District Raipur, Chhattisgarh
2. The Deputy Director Urban Administration and Vikas Vibhag, Raipur, District Raipur, Chhattisgarh.
3. The District Education officer, District Janjgir-Champa, Chhattisgarh.
4. The Chief Municipal Officer, Nagar Palika Parishad, Champa, District Janjgir Champa, Chhattisgarh.
5. The Collector, District Janjgir-Champa, Chhattisgarh.

---- Respondents

For Appellants	:	Shri H.P.Agrawal, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****16/07/2015**

1. The present appeal arises from order dated 27.4.2015 dismissing Writ Petition (S) No. 2444 of 2013. The Learned Single Judge declined to interfere with the order dated 9.4.2013 declining appointment on the post of Assistant Teacher (Nagriya Nikay).

2. Learned Counsel for the Appellants submits that the advertisement was issued on 29.7.2011. They have cleared the selection process and their names figured in the select list. On the date that the advertisement was issued, there was no requirement for having passed Teachers Eligibility Test examination (TET). According to the rules, if the appointment letter was not issued within 15 days, the Chief Municipal Officer under the Chhattisgarh Nagar Palika Shiksha Karmi (Recruitment and Conditions of Service) Rules,

2008 (hereinafter called 'the Rules') was fully empowered to issue the appointment letter on expiry of that period.

3. Learned Counsel for the State has opposed the appeal submitting that mere empanellment in the select list does not create a vested right to appointment. The Learned Single Judge has adequately noticed that the select list had not been approved by the Committee of the Municipal Council. It lost its validity by passage of time in absence of approval. It was lastly submitted that if the requirement of the TET examination was incorporated under the Right to Free and Compulsory Education Act, 2009 (hereinafter referred to as 'the Act') a central enactment, merely because the State Government had issued a letter subsequently in that regard would not amount to changing the conditions of the advertisement after publication.

4. We have considered the submissions on behalf of the parties.

5. Inclusion of the name in a select list does not create a vested right to appointment. Simultaneously, it cannot be denied arbitrarily except for valid and germane reason. If under the Rules, the select list was to be approved by the Municipal Council and which never came to be granted before the life of the select list expired in accordance with law, the Appellants cannot claim a vested right for appointment on the plea that the Chief Municipal Officer notwithstanding absence of approval by the Municipal Council was bound to issue appointment letters within 15 days.

6. The present is not a case for changing the terms of selection after publication of the advertisement. The TET requirement was incorporated in the Act in the year 2009. Advertisement was published in 2011. The letter of the State Government was therefore only clarificatory in nature.

7. The Appellants were selected for imparting education and knowledge to children at a very impressionable age of class of I to V. In order to impart such education, the Appellants were first required to possess the necessary expertise and knowledge. A half baked teacher imparting education at such an

impressionable age is a dangerous proposition for future generation.

8. The importance of a teacher properly qualified, which undoubtedly the TET examination purports to do so explained in (2013) 1 SCC 223 at paragraph 1 as follows:

"1. Acquisition of knowledge and obtaining of necessary training for imparting education have their immense signification. As C. Simmons would like to put it "The secret of successful teaching is to teach accurately, thoroughly, and earnestly" and one may fruitfully add that accuracy and thoroughness can be achieved by cultivated education, matured training and keen intellect. That is why teaching becomes a teacher's passion and religion. A good teacher, in a way, represents the country's orderly civilization. A teacher is expected to kindle interest in the taught by method of investigation, incessant implantation of knowledge and demonstration of experience that is replete with intellectual pragmatism. A student who is keen on getting training has to keep in mind the concept of reason, conception of logic and sanctity of rationality. He is expected to distance himself from habitual disobedience and unfettered feeling, for a civilized society which is governed by the rule of law does not countenance such characteristics. The aspirations to become a teacher after obtaining training requires the qualities as they constitute the base on which the superstructure is built."

9. We find no reason to interfere with the order under appeal. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE