

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 11312 OF 2015

ORDER:

The contention canvassed by the petitioner is that the qualification of M.A. (Education) secured by him from the Andhra University shall be treated as equivalent to the Bachelor of Education (B.Ed.) degree awarded by any competent institution and on that basis, he shall be permitted to take part in the selection process initiated pursuant to notification No.1 of 2012 issued on 06.02.2012.

Learned Government Pleader for School Education (Andhra Pradesh), who has received instructions, in writing, would submit that it is true that the State Government passed orders in their G.O.Ms.No. 75, Education Department, dated 04.06.2008 setting-forth that M.A.(Education) with Arts, Mathematics and Science offered by the Andhra University is equivalent to B.Ed. degree in respective methodologies for recruitment/appointment of SGT/School Assistant posts in the Government/ZP/MPP/Municipal schools in the State. However, what followed thereafter gives scope for controversy. It is mentioned in the said G.O. as under:

“ However, this declaration shall be limited to the students of 2007-08 and batches only”

Learned counsel for the petitioner is right in his comment that question of equivalence is not liable to be confined to the students of the year 2007-08 of M.A. (Education) course offered by the Andhra University and in fact, the students, who have passed out and obtained the said degree of M.A(Education) from the Andhra University prior to 2007 are equally entitled to be treated as possessing a B.Ed. degree.

The question now that is required to be answered is whether the State Government can continue to treat persons possessing M.A(Education) degree offered by the Andhra University as eligible for recruitment as Trained Graduate Teachers or Post Graduate Teachers, if the essential qualification required to be possessed by them is declared as B.Ed. or its equivalence. So far as the National Council for Teacher Education (NCTE) is concerned, it has not recognized M.A(Education) degree of Andhra University as equivalent to B.Ed. degree. Now the

National Council for Teacher Education is the apex body created by the National Council for Teacher Education Act, 1993 and it is thus its exclusive domain to declare the equivalence of various qualifications. In the absence of any notification by the NCTE declaring M.A (Education) degree of Andhra University as equivalent to B.Ed., the respondents are certainly justified in not treating such candidates as eligible for recruitment.

While declaring equivalence between two sets of qualifications, several criteria and parameters have got to be observed and compared. Only after an assessment of these factors, equivalence can be declared. When once the entire field relating to teacher education is occupied by the 1993 Act and the Regulations framed there under, power of the State Government to declare a particular qualification as equivalent to a Bachelors Degree in Education (B.Ed.) is denuded. Therefore, the orders passed by the State Government contained in their G.O.Ms. No. 75, Education Department, dated 04.06.2008 cannot be given effect to or acted upon any further in the matter of recruitment undertaken by the State Government.

Therefore, leaving it open to the petitioner to solicit a declaration of equivalence by the National Council for Teacher Education for M.A(Education) degree held by him, this Writ Petition is disposed of without costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

NOOTY RAMAMOHANA RAO, J

27th April 2015

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