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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7506/2015 & CM No. 14325/2015 (for directions)

RUCHIKA GUPTA

..... Petitioner

Through: Mr P.D. Gupta & Mr V.K Gupta, Advs.

versus

CENTRAL BOARD OF SECONDARY
EDUCATION & ORS.

..... Respondents

Through: Mr Amit Bansal, Ms Seema dolo & Mr
Akhil Kulshrestha, Advs. for R- 1 & 2.

Mr Anil Soni & Mr Naginder Benipal, Advs. for
R-3.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

17.12.2015

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1. In this writ petition, the only grievance that the petitioner has articulated, is that, the respondents failed to give due weight and credence to the higher qualification possessed by her.

1.1 The petitioner, who has acquired 70% marks in her post-graduation, in Master of Computer Applications (MCA), from Kurukshetra University, was declared ineligible for the purposes of taking the Central Teacher Eligibility Test (CTET) Examination.

1.2 The reason that the respondents raised an objection with regard to the petitioner's eligibility, was, on account of the provision in the prevailing notification dated 25.08.2010 (as amended by notification dated 02.08.2011), issued by respondent no.3 i.e. the National Council of Teacher Education (in short the NCTE); which, prescribes, graduation with minimum stipulated percentage, as against post graduation, as the eligibility criteria.

1.3 More specifically, the said notification stipulated that only graduates, with at least 45% marks, could be considered eligible, to sit for the CTET Examination.

2. Notice in this writ petition was issued on 07.08.2015. During the pendency of the writ petition, the petitioner was allowed to take the examination by virtue of a directions issued by my predecessor vide order dated 17.08.2015. Vide the very same order, the court further directed that the result of the petitioner would not be declared and instead be kept, in a sealed cover; quite obviously, pending the adjudication of the writ petition.

2.1 The petitioner, in the meanwhile, as directed by this court, did sit for the CTET Examination.

3. The result of the examination was brought to court yesterday. The matter was listed today as there was a lack of clarity as to what was the final outcome on the previous date.

4. Mr Bansal, who appears for respondent no.1/CBSE informs me that the petitioner has qualified the CTET Examination. He further states that the petitioner has obtained 70.67% marks.

5. Mr Soni, who appears for NCTE, had, it appears, filed a counter affidavit with the registry of this court, yesterday i.e. 16.12.2015; a copy of which was served on the counsel for the petitioner. Mr Soni has also supplied, in court, today, a copy of the counter affidavit filed with the registry.

5.1 The registry, is accordingly, directed to place the original counter affidavit on record.

6. A perusal of the counter affidavit filed by NCTE, would show that an Expert Committee (Committee) was formed to examine the matter as to

whether exclusion of candidate having a higher, base qualification, than that prescribed under the prevalent notification, to sit for the CTET examination, was in order.

6.1 The Committee, evidently, was formed, pursuant to an office order dated 20.05.2015/ 16.06.2015. Apparently, the said Committee was, concededly, formed: “to remove anomalies/ functional difficulties” obtaining in the notification dated 25.08.2010, as amended from time to time, with regard to minimum qualification.

6.2 As is disclosed, via the counter affidavit of the NCTE, the Committee, has opined, that it would be appropriate to stipulate in the minimum qualifications, so prescribed, that the person obtaining the requisite percentage of marks in either graduation or post-graduation (as specified in the norms and standards for teacher education programme, notified under the NCTE regulations from time to time), would be eligible to sit for the CTET examination. In other words, the Committee has opined that post-graduates would also be eligible to take the CTET examination.

7. Having regard to the aforesaid, and even otherwise, I am persuaded to hold that exclusion of post-graduates, which is a higher qualification, from the eligibility criteria, is irrational and unreasonable, and hence, clearly, violative of Article 14 of the Constitution. There is no rationale explanation articulated qua the same.

7.1 Since, the NCTE has taken corrective measures, I am hopeful that it will proceed further with the same course of action and permit the candidates who have higher qualifications, and are post-graduates, to take the CTET Examination.

8. Accordingly, in so far as the petitioner is concerned, the writ petition

is allowed. The petitioner being both eligible and having cleared the examination, is declared successful. The necessary consequences would automatically follow. Furthermore, the result received from respondent no.1/ CBSE, is returned to Mr Bansal. Needless to say, respondent no.1/CBSE will formally communicate and declare the result of the petitioner.

9. The petition and the application are, accordingly, disposed of in the aforesaid terms.

10. Dasti.

RAJIV SHAKDHER, J

DECEMBER 17, 2015

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