

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

WRIT PETITION NO.31532 OF 2015

DATED:22-04-2016

Between:

The State of Andhra Pradesh
Rep. by its Principal Secretary
School Education Department
Secretariat
Hyderabad
and others

... Petitioners

And

Shaik Mahibulla Sharief
and another

... Respondents

COUNSEL FOR THE PETITIONERS: Government Pleader for
Services (AP)

COUNSEL FOR RESPONDENT NO.1: Sri D. Balakishan Rao
COUNSEL FOR RESPONDENT NO.2: -

-

THE COURT MADE THE FOLLOWING:

ORDER: (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for a certiorari to quash order dt.28.01.2015 in O.A. No.10250 of 2012 with V.M.A. No.730 of 2013, on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad.

2. We have heard the learned Government Pleader for Services (AP), for the petitioners, and Mr. D. Balakishan Rao, learned counsel for respondent No.1.

3. Respondent No.1 belongs to BC-E Community and passed B.A. with History, Economics and Politics, in the year 1998 and also passed B.Ed., with Telugu and Social Studies as Methodology subjects in the year 2005. He has also passed B.A. Telugu Literature as Single Subject from Dr. B.R. Ambedkar Open University, in the year 2007, and was also prosecuting M.A. Telugu (2nd year) in distance mode from the same university.

4. Petitioner No.2 has issued DSC-2012 notification for recruitment to various posts of Teachers in all the Districts, including East Godavari District. Respondent No.1 applied for the post of Language Pandit (Telugu), appeared for the selection process, and secured 1195 rank with 40.27 marks, and his name was included in the provisional selection list of Language Pandit (Telugu) Grade-II under BC-E quota, for which five such posts were earmarked. As respondent No.1 was not given appointment order, he has filed the above-mentioned O.A. before the Tribunal.

5. At the stage of admission, the Tribunal has granted interim order on 26.12.2012 directing the petitioners to consider the case of respondent No.1 for appointment as Language Pandit (Telugu) on the basis of the clarification issued by the Government in Memo No.945/Ser.VI/2008-1, dt.22.02.2008, without reference to obtaining his degree in

Single Subject from Dr. B.R. Ambedkar Open University. The petitioners thereafter filed an application for vacating the interim order along with a counter affidavit wherein they have taken the plea that as per Rule 4(2)(iii)(a) of the Andhra Pradesh Direct Recruitment for the Posts of Teachers (Scheme of Selection) Rules, 2012 (for short, 'the Rules') issued under G.O. Ms. No.4, dt.09.1.2012, respondent No.1 is not qualified and therefore he is not entitled to be appointed as Language Pandit (Telugu). The Tribunal has turned down this plea of the petitioners and allowed the O.A. Feeling aggrieved by the said order of the Tribunal, the petitioners filed this writ petition.

6. The only issue that needs to be considered in this writ petition is whether the Tribunal has not properly interpreted the above-mentioned Rule, while allowing the O.A.

7. The relevant Rule, which prescribed qualifications, reads as under:

"4(2)(iii)(a). Language Pandit (Telugu):-

Must possess a Bachelor's Degree with Telugu as the main subject or one of the three equal optional subjects or Bachelor's Degree in Oriental Language in Telugu (B.O.L) or its equivalent or a Post Graduate Degree in Telugu and B.Ed., with Telugu as methodology or Telugu Pandit Training or its equivalent."

As per the above reproduced Rule, if a person possesses a Bachelor's Degree with Telugu as main subject, or one of the three equal optional subjects or Bachelor's Degree in Oriental Language in Telugu or its equivalent etc., he is entitled to be considered and appointed as Language Pandit (Telugu). No doubt, respondent No.1 does not have a Bachelor's Degree with Telugu as main subject or one of the three equal optional subjects. He also does not possess Bachelor's Degree in Oriental Language in Telugu (B.O.L.). However, he obtained a Bachelor's Degree in single subject,

i.e., Telugu Literature from Dr. B.R. Ambedkar Open University. In our opinion, the Tribunal has rightly interpreted the above Rule in favour of respondent No.1 and held that as he holds a Bachelor's Degree in Telugu Literature, he satisfies the qualification prescribed under the above- mentioned Rules. The petitioners have referred to Memo No.18103/Ser.VI-1/2005, dt.03.10.2015, issued by petitioner No.1, in support of their plea that the Degree obtained by respondent No.1 cannot be considered as an equivalent Degree as the same is a Single Subject Course. Ordinarily, it is only the University which conferred the Degree determines whether a particular Degree is equivalent to another Degree or not. However, for the reasons best known to the petitioners, they have not sought for the views of the Dr. B.R. Ambedkar Open University, which conferred the Degree to respondent No.1, as to whether the said Degree is equivalent to the Degree in Oriental Language in Telugu. Be that as it may, as per the above-mentioned Rule, a person who holds a Degree in Oriental Language in Telugu is qualified to be appointed as Telugu Language Pandit. If that be so, it defies any reason or logic as to why a person holding a Degree exclusively in Telugu Literature cannot be considered as holding a Degree equivalent to the Bachelor's Degree in Oriental Language. Since the notified post is Language Pandit (Telugu), which calls for proficiency in Telugu Literature, and respondent No.1 holds the Degree in Telugu Literature, apart from General Degree and also B.Ed., with Telugu and Social Studies as methodology subjects, we are of the opinion that he fully satisfies the qualification prescribed in the above reproduced Rule and the Tribunal has rightly allowed the O.A. filed by him.

8. For the above-mentioned reasons, we do not find any merit in this writ petition and the same is accordingly

dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.
No.40782 of 2015 shall stand disposed of as infructuous.

REDDY, J

C.V. NAGARJUNA

22-04-2016

M.S.K. JAISWAL, J

bnr