

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE Dr.JUSTICE SHAMEEM AKTHER**

WRIT PETITION No.3440 of 2007

ORDER: (Oral) (Per Suresh Kumar Kait, J)

Vide the present petition, petitioners seek directions thereby declaring the impugned Memo No.104711/SE.Ser.VII/2006 dated 11.07.2006 issued by the 1st respondent as illegal, null, void, unconstitutional and consequently declare that the candidates who possess Fazil course certificates from private institutions are not eligible and entitled for appointment to the post of Secondary Grade Teacher (Urdu) and School Assistant (Urdu) in D.S.C. 2006 as per the stationery rules issued by the Government.

2. The case of the petitioners is that the 2nd respondent issued D.S.C. 2006 notification inviting applications from the eligible candidates throughout the State for various posts, including the posts of SGT and School Assistants in Urdu medium. As the petitioners are fully eligible and qualified to hold the post of SGT (Urdu) and School Assistant (Urdu), they applied to the said posts in D.S.C. 2006 within the stipulated time. They appeared for the written test and were expecting appointment orders. However, some of the candidates like unofficial respondents herein have passed 10th class, Intermediate, Degree and B.E.D./D.E.D., in English Medium and they do not know even fundamentals of Urdu language. Therefore, with a view to appear for selections in DSC for appointment to the teacher posts in Urdu medium, they have obtained Urdu Fazil certificate from a private institution namely IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad. The said institution is purely maintained by private persons and the examinations conducted by them are without any control and supervision by the Government authorities or the Board of

Intermediate. The candidates who obtained Fazil certificate have not appeared for the said examinations and the said examinations are written by some of the Urdu-knowing candidates on their behalf. Without studying Urdu subject in their educational career, it is not possible for them to straightway write examination of Fazil course, which is a six months course; thus, viewed from any angle, Fazil certificate holders are not eligible for selection and appointment to the teacher post of Urdu medium in D.S.C. 2006.

3. Counter-affidavit is filed on behalf of the official respondents, wherein it is stated that the Government in Memo No.1014/SE-Ser.VI/2009 dated 30.01.2009 and 05.02.2009 issued clarification that the Urdu fazil certificate issued by IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad is not equivalent to Intermediate, being private bodies which do not run any other educational institutions nor submit copies of their syllabus/exam paper/list of examinations/exam papers, evaluation guidelines on result to Board of Intermediate Education etc., therefore, cannot be given such consideration. Though Fazil certificate of 6 months course issued by private institution was earlier recognized by the Board of Intermediate, subsequently, the same has been cancelled by the Board of Intermediate as the syllabus and curriculum of Fazil course is not covered unlike syllabus of 2 years of Board of Intermediate course. The Board of Intermediate, in the year 2004, declared that IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad is purely a private organization controlled by private individuals and was neither established nor controlled by the Government. The said institution has not established any other educational institution to impart education, but conducted examinations and awarded certificates in violation of Article 30 of the Constitution of India. The Board of Intermediate Education is an autonomous body established by

Act 2 of 1971 by the Legislature of Andhra Pradesh, to regulate and specify the courses of study thereof and supervise the system of Intermediate education or +2 education in the State of Andhra Pradesh. The Board of Intermediate Education, after considering the issue of equivalency, in the 52nd Board Meeting, resolved that the Urdu Fazil course cannot be considered as equivalent to that of Intermediate course conducted by the Board of Intermediate Education, Andhra Pradesh.

4. We have heard learned counsel for the parties and perused the record available on the file.

5. The respondent who was impleaded pursuant to the order of this Court dated 03.01.2007 passed in WPMP No.54889 of 2016, stated in his affidavit that the concerned selection criteria for the post of Secondary Grade Teacher, which is the subject matter of dispute in this writ petition, as stated in DSC 2006 notification, reads thus: ‘Rule 3(xiii) Secondary Grade Teachers: Must possess Intermediate certificate issued by the Board of Intermediate Education, Andhra Pradesh and D.Ed. certificate issued by the Commissioner for Government examinations, Andhra Pradesh or must possess as Bachelor Degree and B.E.d., degree. In the light of Memo No.104711/SE.Ser.VII/2006 dated 11.07.2006 issued by the 1st respondent, the unofficial respondents and certain other candidates, like the impleaded respondent, who are Fazil course certificate holders, issued by IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad, having applied in DSC 2006 for the post of Secondary Grade Teacher and School Assistant in Urdu medium schools, are being considered in preference to the petitioners and the candidates placed similarly as the petitioners. Prior to the year 2008, the standard criteria for the selection of Secondary Grade Teachers in Urdu medium primary schools was on the basis

that the Urdu Fazil certificate issued by IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad was deemed equivalent to Intermediate certificate issued by the Board of Intermediate Education, Hyderabad. Hence, all candidates having cleared and qualified the Urdu Fazil certificate, in addition to D.Ed. course, subject to their qualifying the common entrance test for DSC examination, selected as Secondary Grade Teacher in Urdu medium primary schools in all the Districts of the State. Accordingly, by this procedure many such posts were filled in, upto the year 2006. Out of them, two candidates are as follows: (A) Nusrath (Female) passed the Urdu Fazil certificate in the year 2004 and thereafter graduated D.Ed. course in the batch 2004-2006 and took DSC 2006 entrance test and having qualified the same was given posting and has been so serving as S.G.T., Urdu medium primary school, Narsingi Mandal & Village, Ranga Reddy District. (B) Arif (Male) passed the Urdu Fazil certificate in the year 2004 and thereafter graduated D.Ed. course in the batch 2004-2006 and took DSC 2006 entrance test and having qualified the same was given posting and has been so serving as S.G.T., Urdu medium primary school, Puddur Mandal & Village, Ranga Reddy District.

6. Fact remains that the notification in question was issued for the aforesaid posts on 29.05.2006 and the last date of submission of applications was 14.07.2006. Written test was conducted on 29, 30 and 31st August, 2006 and results were declared on 30.09.2006, whereas the impugned memo is dated 11.07.2006, which is not under challenge before this Court. It is not in dispute that Urdu Fazil certificate issued by IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad, was considered as equivalent to Intermediate education for the period from 1999-2000 to 2004-2005 only, as mentioned in Memo No.104711/SE.Ser.VII/2006 dated 11.07.2006, whereas the recruitment

notification was issued on 29.05.2006. The memo dated 11.07.2006 is challenged by the petitioners in the present petition. The respondents, in their counter-affidavit, as noted above, have clearly stated that Fazil certificate issued by IDARA-E-ADABIYAT-E-URDU, Panjagutta, Hyderabad, is not equivalent to Intermediate certificate issued by the Board of Intermediate Education, on the ground that Intermediate course is of 2 years, whereas Urdu Fazil certificate course is only for a period of six months. Since the respondents themselves have clearly stated that Urdu Fazil certificate was equivalent to Intermediate certificate for the year 1999-2000 to 2004-2005 only, there is nothing left for this Court to examine the issue raised in this petition. It is to be noted that Memo dated 11.07.2006 is challenged in this petition, whereas the notification for recruitment of the posts in question was issued subsequently and in the Memo dated 11.07.2006, it is clearly stated that Urdu Fazil certificate is equivalent to Intermediate course upto 2004-2005 only.

7. In view of the above, it is made clear that Memo No.104711/SE.Ser.VII/2006 dated 11.07.2006 has no application to the D.S.C. notification 2006 and the same is hereby quashed.

8. Therefore, the present petition is allowed and respondents are directed to carry out further exercise as required.

As a sequel, miscellaneous petitions if any pending therein stand disposed of. No order as to costs.

SURESH KUMAR KAIT, J

Dr.SHAMEEM AKTHER, J

July 19, 2017
MRR