

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
and
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.793 of 2016

ORDER: (Oral)

(Per Honourable Sri Justice Suresh Kumar Kait)

Vide the present petition the petitioner has challenged the order dated 13.11.2015 in O.A.No.2663 of 2015 passed by the learned A.P. Administrative Tribunal, Hyderabad, whereby the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1965 has been dismissed.

2. Brief facts of the case are that in pursuance of the notification issued by respondents on 1.12.2014 for conducting Teacher Eligibility Test (TET)-cum-Teacher Recruitment Test (DSC-2014) the petitioner applied for the said post. However, vide proceedings dated 10.4.2015, the 3rd respondent rejected the application which lead to the petitioner to file O.A.No.2663 of 2015 before the Tribunal.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner is fully eligible and qualified for being considered for the post of Language Pandit (Urdu). When he was initially informed that he is not eligible, the petitioner has rescinded himself from the recruitment process. However, he came to know that the

Hall Ticket was also issued in his name, thus, the respondents ought not to have rejected his case by issuing the impugned proceedings.

4. The case of respondents before the Tribunal and before this Court is that the qualification required for the post of Language Pandit (Urdu) is that candidate must possess a Bachelor's Degree with Urdu as the main subject or one of the three equal optional subjects or Bachelor's Degree in Oriental Language in Urdu (B.O.L) or its equivalent or a Post Graduate Degree in Urdu and B.Ed. with Urdu as methodology or Urdu Pandit Training or its equivalent. The petitioner studied B.Sc., with Urdu as one of the languages, but did not study Urdu subject as one of the special subjects nor did he possess Bachelor's Degree in Oriental language in Urdu.

5. Learned Government Pleader submits that the petitioner is not qualified to participate in the recruitment process. Mere possession of B.Ed. with Urdu as methodology will not enable the petitioner to participate in the process so long as he does not possess the requisite qualification at graduate level.

6. The learned Tribunal observed in its impugned order that the certificate produced by the petitioner clearly show that the petitioner studied B.Sc., with Botany, Zoology and Chemistry as subjects in all the three years. He has studied Urdu only as language offered in the graduate course but not as a special subject as contemplated under the Rules. Accordingly, the O.A. filed by the petitioner has been dismissed.

7. We note, vide proceedings Rc.No.40051331 dated 10.4.2015, the candidature of the petitioner was rejected on the ground that after the enquiry of the related document submitted along with hard copy of the online application, it is noticed that the petitioner gave wrong information in respect of Urdu Pandit.

8. The fact remains that it is evident from page 27 of the petition that the petitioner has degree of B.Ed. with Third Methodology (Urdu) from Osmania University, Hyderabad. In addition to above, the petitioner is also Master in Urdu from Sri Venkateswara University which is evident from the certificate at page 28 of the petition. It is not in dispute that the petitioner is a graduate with Urdu as one of the languages and Post Graduate in Urdu, B.Ed. with Urdu as methodology, thus his eligibility falls under the notification issued by respondents.

9. We find no substance in the contention of the Government Pleader that the petitioner is not eligible for the said post, since the petitioner has passed graduation with Urdu as one of the languages and he has passed post graduation in Urdu and he has also passed B.Ed. with Urdu as Methodology.

10. Hence, we hereby set aside the order dated 13.11.2015 in O.A. No.2663 of 2015 passed by the learned Tribunal. We hereby direct the respondents to allow the petitioner to participate in the first available recruitment post.

11. We hereby made clear that the respondents shall not reject the candidature of the petitioner if he is barred by age.

12. Accordingly, the Writ Petition is allowed.

13. No order as to costs.

14. Miscellaneous petitions if any pending shall stand closed.

SURESH KUMAR KAIT, J

U. DURGA PRASAD RAO, J

Date: 12.07.2017

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