

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION Nos.39337 & 39434 of 2017

Date: 22.11.2017

W.P.No.39337 of 2017

Between :

D. Vijayalakshmi and others.

... Petitioners

And

The State of Telangana, rep. by its
Special Chief Secretary to Government,
School Education (General) Department,
Secretariat Buildings, Hyderabad and others.

... Respondents

W.P.No.39434 of 2017

Between :

S. Shanker and others.

... Petitioners

And

The State of Telangana, rep. by its
Special Chief Secretary to Government,
School Education (General) Department,
Secretariat Buildings, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONERS: Smt. B. Rachna Reddy

COUNSEL FOR THE RESPONDENTS :

G.P. for Services-I (T)
Sri D. Bala Krishna Rao

THE COURT MADE THE FOLLOWING:

COMMON ORDER: (per Hon'ble the Acting Chief Justice)

In these writ petitions, the validity of Rule 4(1) of the Telangana State Direct Recruitment for the posts of Teachers Rules, 2017 (for brevity "the Rules"), notified in G.O.Ms.No.25, School Education (General) Department, dated 10.10.2017, is subjected to challenge on the ground that Rule 4(1) of the Rules, which prescribes the qualification for the Post of School Assistant to be a Graduate or Post-Graduate with 50% marks for OCs and 45% for SCs, STs, BCs and PHCs, and Intermediate with 50% marks for OCs and 45% marks for SCs, STs, BCs and PHCs for being considered for the post of Secondary Grade Teachers, is arbitrary and illegal.

While the validity of the Rule has been subjected to challenge in these writ petitions, Smt. B. Rachna Reddy, learned counsel for the petitioners, after arguing for some time, would submit that, instead of adjudicating the contentions put-forth by her on merits, it would suffice if the petitioners are permitted to submit a representation to the Special Chief Secretary to Government, School Education Department, Government of Telangana; requesting him to relax the Rules, and to permit the petitioners to appear in Teachers Recruitment Test (TRT) scheduled to be held in February, 2018, the last date for submission of application of which is 30.11.2017.

While the aforesaid Rules, made under the proviso to Article 309 of the Constitution of India, renders the petitioners ineligible, we see no reason to deny the petitioners' the opportunity of having their representation considered by the 1st respondent, for relaxation of the Rules and for the petitioners, who have already completed their Teacher Eligibility Test (TET) and have secured a Bachelors Degree in Education and Diploma in Education, to be considered for exemption from the rigour of the rules, which require them to have secured 50% or 45% marks in their Graduation/Intermediate etc. The petitioners are permitted to submit their representation within three (03) days from today. The 1st respondent shall consider their representation with utmost expedition and, in any event, not later than two weeks from the date of receipt of a copy of this order.

The writ petitions stand disposed of accordingly. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

22.11.2017.

NOTE: Issue C.C. by 23.11.2017.
(B/O)
Msr

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
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22.11.2017

Msr