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

+ W.P.(C) 7167/2016

PREETI

..... Petitioner

Through: Mr. K.P. Gupta, Adv.

versus

THE DIRECTOR OF EDUCATION AND ORS Respondents

Through: Mr. Anuj Aggarwal, ASC with
Ms. Niti Jain, Adv. Adv. for R1 with
Mr. Ashok Nagar, Zone-26 (DOE)
Ms. Nandini Sen, Adv. for R-3 & 4

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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18.07.2017

W.P.(C) 7167/2016

1. The present petition has been filed by the petitioner *inter alia* seeking a direction to the respondents to promote her to the Post of TGT (Maths) so that she can teach Classes VI to VIII in respondent no.4 / School. It is a conceded position that the petitioner is working as an Assistant Teacher in Primary Section of Lady Irwin Sr. Secondary School on the strength of her qualifications of M.Sc. (Maths) and four years B.El.Ed. Degree from University of Delhi. It is her case that her candidature for grant of promotion to the post of TGT (Maths) was rejected by DPC on March 30, 2015 stating that she is not B.Ed and is not eligible for promotion to the post of TGT.

2. Mr. K.P. Gupta, learned counsel appearing for the petitioner would

submit that in terms of the notification dated 29th July, 2011 of the National Council for Teacher Education, the required qualification for teaching Classes VI to VIII includes “*Sr. Secondary (or its equivalent) with at least 50% marks and four year Bachelor in Elementary Education (B.El.Ed.)*”, which the petitioner also possesses. He also states that in terms of the Recruitment Rules of the Directorate of Education, for promotion to the post of TGT, a candidate must have a degree / diploma in training education or a SAV certificate. As the petitioner has, degree in training education, the petitioner fulfils the said eligibility condition. In other words, there is no distinction in training courses. He states, a candidate having B.El.Ed. qualification is also eligible for being promoted as Trained Graduate Teacher. In support of his contention he would rely upon the judgment of the Division Bench of this Court dated 26th September, 2016 in ***W.P.(C) 8089/2015, Govt. of NCT of Delhi v. Monika Sharma*** wherein this Court while referring to the Recruitment Rules issued by the Directorate of Education has held that the requirement did not specify the nature of degree or diploma. He also states, petitioner has been working as Assistant Teacher for last 14 years and if the stand of the respondent nos. 1 and 2 is accepted, it is unlikely the petitioner would get promotion to the post of TGT (Maths).

3. On the other hand, Mr. Anuj Aggarwal, learned ASC appearing for the respondent No.1 would justify the impugned decision on the ground that the petitioner having B.El.Ed. Degree could only teach till class VIII. As per the bye-laws of the CBSE, which the Directorate of Education scrupulously follow, a TGT necessarily teach classes VI to X. He states, the notification of the NCTE dated 29th July, 2011 relied upon by Mr. Gupta

shall not help the petitioner, as the same prescribe the qualification of B.El.Ed for teaching classes VI-VIII and not till X. That apart he also draws my attention to the Norms and Standards prescribed by the NCTE vide Appendix-3 of the notification dated 28th November, 2014 (running page 109), which stipulates that the Bachelor of Elementary Education (B.El.Ed.) is a four-year Professional Degree Programme of Teacher Education offered after Senior Secondary and the aim is to prepare teachers for the Elementary stage of education, i.e., for Classes I to VIII. In other words, candidates having qualification of B.El.Ed. cannot be appointed / promoted as TGT, who teaches upto Class X as the norms prescribed by the NCTE stipulates the qualification of B.El.Ed. Degree is relevant for Classes I to VIII and not beyond that. That apart, he also draws my attention to Appendix-4 of the same notification to contend that NCTE has prescribed Norms and Standards for B.Ed Course to prepare teachers for Upper-Primary or Middle Level (classes VI to VIII), Secondary Level (classes IX to X) and Sr. Secondary Level (Classes XI to XII). According to him, on a reading of the Appendix-3 and 4 of the Notification dated 28th November, 2014 it is clear that candidates having B.El.Ed. qualification are not trained for secondary level classes and as such cannot teach classes beyond middle level (class VIII).

4. In so far as the reliance placed by Mr. Gupta, on the judgment of the Division Bench of this Court in the case of *Monika Sharma (supra)* is concerned, he states the said judgment was peculiar to the facts as were available therein inasmuch as the respondent therein had a B.El.Ed. degree and M.Ed. degree. It was in the context of M.Ed degree, this court held that

the respondent therein deemed to have the qualification of B.Ed. In other words, the said judgment is not applicable to the facts of this case.

5. Having heard the learned counsel for the parties, the only issue which arises for consideration is whether the petitioner with B.El.Ed. Degree is eligible for being considered for promotion as TGT (Maths). Having seen the two notifications i.e 29th July, 2011 and 28th November, 2014 issued by the NCTE, the Apex Body determining the Standards in Teacher education, it is clear that a candidate having B.El.Ed. Degree can teach upper-primary or middle level and not classes at Secondary Level or Sr. Secondary level. The bye-laws of the CBSE prescribe a TGT to teach classes VI to X. If that be so, a candidate having B.El.Ed. qualification cannot be promoted as TGT in view of the norms of NCTE / bye-laws of CBSE. The submission of Mr. Gupta that the stipulation in the Recruitment Rules does not specify the nature of Degree or Diploma by relying upon the judgment of the Division Bench of this Court in the case of *Monika Sharma (supra)* is concerned, the same appears to be appealing on a first blush but on a deeper consideration, it is seen the Division Bench in the said judgment was not examining the appeal from the perspective of the norms issued by the National Council for Teacher Education specifying qualifications for appointment of Teachers to Class VI to VIII or norms for the Bachelor of Elementary Teacher Education Programme leading to Bachelor of Elementary Education Degree as stipulated in Appendix-3 of the notification dated 28th November, 2014 and also the norms and standards for Bachelor of Education Programme leading to Bachelor of Education Degree as stipulated in Appendix-4 which in my opinion would be relevant for a decision in this case. That apart, the

respondent in the said case was also M.Ed, which is a higher qualification than B.Ed. It was considering this aspect also, the judgment of the Tribunal was upheld. I state, to that extent, the stipulation of Degree / Diploma in Training education has to be read in conformity with the Norms and Standards issued by the NCTE, which has been reflected above. If, the plea of the petitioner is accepted, then, not only the B.El.Ed degree but all other qualifications prescribed by NCTE for Teaching Classes VI to VIII, like Graduate with 2 year Diploma in Elementary education etc. shall also become the qualification for appointment to TGT, which would not only be against the norms of the NCTE, referred to above but also against the RR's for the post of TGT and would also have the effect of amending the said norms issued by NCTE and the RR's of the Director of Education, which is impermissible. I do not find any merit in the writ petition, the same is dismissed.

In view of above discussion, I do not see any merit in the petition.

The petition is dismissed.

CM No. 29447/2016

Dismissed as infructuous.

V. KAMESWAR RAO, J

JULY 18, 2017/jg