

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.8928 OF 2018

ORDER

This writ petition is filed for a writ of Mandamus declaring the action of respondents in not including the petitioner hall ticket number, who got 152 marks in the provisional selection list for the post of Post Graduate Teachers (Mathematics), and including the hall ticket numbers of the candidates, who are having lesser merit (i.e., having 148 marks) than the petitioner, as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to appoint the petitioner as Post Graduate Teacher in Mathematics on par with the less meritorious candidates (i.e., having 148 marks lesser than the petitioner's 152 marks) under B.C.-A (Female) category in Zone-VI, with all consequential benefits, pursuant to notification No.13/2017 dated 14.04.2017 issued by the 1st respondent.

Learned counsel appearing for the petitioner, reiterating the averments made in the affidavit filed in support of the writ petition submits that educational qualification for the post of Post Graduate Teachers (Mathematics) in Residential Educational Institutions Societies vide notification No.13/2017 dated 14.04.2017 issued by the 1st respondent – Telangana State Public Service Commission, Hyderabad, is that the candidate should have studied the subject of mathematics at their B.A./B.Sc. level. He stated that the petitioner completed her graduation in Bachelor of Computer Applications (B.C.A.), with discrete mathematics as one of her subjects. He stated that based on her graduation, where mathematics is one of the subjects, she was given admission in Bachelor of Education (B.Ed.) in Osmania University and teaching of mathematics is one of her subjects in practical examination. She has passed B.Ed. He submits that petitioner has completed Master of Science in Mathematics in first division from University of Madras, through distance mode, which is recognized by University Grants Commission. He stated that the petitioner has also passed State Eligibility Test

and T.S. TET – 2016. Therefore, he submits that as the petitioner has studied mathematics in graduation level, as per table given under Annexure – A to the notification, at Sr.No.5, she is fully eligible to be considered for the post of Post Graduate Teachers (Mathematics). He submits that the petitioner secured 152 marks in the written examination, but her name is not found in the provisional selection list and the candidates who secured 148 marks i.e., less than the marks secured by the petitioner, were included in the said list. In these circumstances, the learned counsel sought for a direction to the 1st respondent to include the name of the petitioner in the provisional selection list and consider her case for appointment to the post of Post Graduate Teacher (Mathematics).

On the other hand, learned Standing Counsel for the respondents - Telangana State Public Service Commission, Sri D.Balakrishna Rao, on written instructions, would submit that during the process of certificate verification, as the petitioner has not produced provisional marks list of her Post Graduation, respondents orally expressed doubt with regard to her M.Sc. (Mathematics) certificate alleged to have been obtained by her from Madras University and also with regard to the approval of the said University by University Grants Commission. As per notification, for PGT (Mathematics), candidate should have studied the subject of mathematics at their B.A./B.Sc., level. In the present case, petitioner has passed B.C.A. with discrete mathematics as one of her subject in the first year only, and there is no subject of mathematics in the remaining two years and hence it is only an optional subject and cannot be considered as main subject in her graduation. He stated that course like B.Ed., can be pursued by candidates from any stream having B.Sc., maths or B.A. maths and even B.Tech students. The same cannot be considered as essential qualification. The only criterion is that the candidate should have studied the subject of 'mathematics' at their B.A. / B.Sc., level. As the petitioner has not studied mathematics in the graduation level as the main subject, her case cannot be considered.

The eligible qualification for consideration to the post of Post Graduate Teacher (Mathematics) as per notification No.13/2017 is that *“the candidate should have studied the subject mathematics at their B.A. / B.Sc., level”*. There is no specific stipulation that the mathematics shall be the main subject or that it shall not be an optional subject. In the present case, petitioner has completed graduation in B.C.A. (Bachelor in Computer Application) and one of her subjects in the first year is Discrete Mathematics. This fulfills the eligibility criteria of studying mathematics at her graduation level as per notification. There is also no dispute that graduation of the petitioner in B.C.A. is equivalent to B.A. / B.Sc. Apart from that she claims to have passed M.Sc. (Mathematics). In these circumstances, it cannot be said that the petitioner has not studied mathematics in her graduation.

In the material papers filed along with the writ petition, petitioner filed copy of statement of marks in M.Sc. (Mathematics) issued by University of Madras and she has also produced copy of list of Universities, which were accorded recognition by University Grants Commission, to offer programmes through distance mode. At Sl.No.169, Madras University, Chennai, Tamil Nadu State, is shown as recognized for offering programme for M.Sc., (Mathematics). As per the written instructions produced by the learned Standing Counsel for respondents, petitioner has not produced the above material evidence before the respondent authorities.

In view of the above facts and circumstances, petitioner is given liberty to forthwith submit appropriate representation before the 1st respondent along with necessary documents, and within three weeks thereafter, the said respondent shall consider the claim of the petitioner for including her hall ticket number in the provisional selection list of Post Graduate teachers (Mathematics), provided she comes within the zone of consideration, and pass appropriate orders in accordance with law.

Writ petition is disposed of accordingly.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:02—04—2018
AVS

