

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1319 OF 2018

JUDGMENT: (per SK,J)

The appellants are the petitioners in W.P.No.31250 of 2018. They filed this appeal aggrieved by the dismissal of I.A.No.1 of 2018 filed by them in the said writ petition, *vide* order dated 31.08.2018 passed by a learned Judge of this Court. Their prayer in the said IA was as under:

'Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in the W.P. the High Court may be pleased to direct the respondents to consider the Petitioners qualifications as equivalent to Graduation in Hindi for appointment pursuant to the Teacher's Recruitment test conducted pursuant to Notification No.52/2017 dt.21-10-2017, issued pursuant to G.O.Ms.No.25, Dt:10/10/2017 by the Government of Telangana, School Education (Genl) Department, for recruitment as School Assistants in Hindi, pending disposal of WP No.31250 of 2018, on the file of the High Court.'

Perusal of the order under appeal reflects that the learned Judge took note of the fact that the Special Chief Secretary to Government, School Education (Genl.) Department, Government of Telangana, having considered the issue pursuant to the directions of a Division Bench of this Court in W.P.Nos.40590 and 40936 of 2017, *vide* order dated 18.12.2017, issued Memo dated 23.12.2017 holding that unless the qualification of Hindi Vidwan conferred by the Dakshin Bharat Hindi Prachar Sabha, Madras, or the Hindi Prachar Sabha, Hyderabad, or the Hindi Sahitya Sammelan, Allahabad, is treated as being equal to graduation from a University recognised by the University Grants Commission (UGC), it would not satisfy the rules prescribed under G.O.Ms.No.25 dated 10.10.2017 and directed the Commissioner and Director of School

Education, Telangana, Hyderabad, to take necessary further action in the matter. The learned Judge accordingly held that once the authority deemed it appropriate not to treat the qualification possessed by the writ petitioners as an equivalent qualification straightaway, their claim for employment could not be considered at this stage. It is on this reasoning that the learned Judge dismissed the I.A.

Sri Jakkula Sridhar, learned counsel for the appellants-writ petitioners, would strenuously contend that the qualification possessed by his clients is the same as graduation and therefore, the authorities were not correct in failing to draw the necessary equivalence in terms of the rules prescribed under G.O.Ms.No.25 dated 10.10.2017. However, learned counsel has no answer as to the status of the institution from which the appellants-writ petitioners obtained their qualification *vis-à-vis* the UGC. Learned counsel would only point out that the UGC issued Public Notice dated 19.07.2016 stating that it would not undertake the exercise of determining equivalence of degrees, diplomas, certificates etc.

We are of opinion that at the present stage, in the light of the Memo dated 23.12.2017 issued by the Government of Telangana, it is not the equivalence of the qualification but the status of the institution which conferred such qualification *vis-à-vis* the UGC that has to be examined. That aspect of the matter has however not been addressed by the appellants-writ petitioners at all, be it before the learned Judge or before us. Without first demonstrating as to whether such institution can be treated as a University or a deemed University recognized by the UGC in terms of the UGC norms, the appellants-writ petitioners cannot be treated as eligible candidates in terms of the rules prescribed under G.O.Ms.No.25

dated 10.10.2017. We therefore find no grounds to interfere with the order under appeal.

The writ appeal is devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:03.10.2018

GJ

