

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

WRIT PETITION No.44835 OF 2017

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

The petitioners are all students undergoing the two year diploma course in elementary education. The Rules notified in G.O.Ms. No.25 dated 10.10.2017, called the Telangana State Direct Recruitment for the posts of Teachers Rules, 2017, prescribes, under Rule 4(ii) thereof, the qualifications for the post of Secondary grade teacher. Under Rule 4(ii), the qualification stipulated for the post of Secondary grade teachers is that the candidate must possess Intermediate/Senior Secondary or its equivalent as recognised by the Board of Intermediate, Telangana with at least 50% marks (in case of SC/ST/BC/differently abled candidates, the minimum marks shall be 45%), and pass in two year diploma in Elementary Education/4 year Bachelor in Elementary Education.

The requirement of Rule 4(ii) is that the candidate must have passed the two year diploma course in elementary education. The petitioners are all studying in the second year of the two year diploma course in elementary education, and are yet to appear for the second year examination. Their contention is that, if the State Government had adhered to the almanac, they would have completed the second year examination by December, 2017 itself, and would have been eligible, on their passing the two year diploma course in elementary education, to appear for the written examination to be conducted for recruitment as teachers, in February, 2018; 63 days attendance has also not been taken into consideration; and, if this attendance is added, they would have secured the minimum required attendance by now.

The questions whether the State Government is at fault in not adhering to the almanac; whether the final year examination in the diploma in elementary education course should have been held in December, 2017; whether, if such examination had been held, the petitioners would have passed the examination and would have obtained a diploma in elementary education are all in the realm of surmises and conjectures. The statutory rule, notified in G.O.Ms. No.25 dated 10.10.2017, stipulates that the candidate should have passed the two year diploma in elementary education. None of the petitioners have even appeared for the second year diploma examination and have, admittedly, not passed the two year diploma course in elementary education.

Reliance placed by Sri B. Rachana, Learned Counsel for the petitioner, on the judgment of a Single Judge of the Rajasthan High Court, in **Bright Future Teacher Training Institute v. State of Rajasthan**¹ is misplaced. Reference is made to the aforesaid judgment, in the judgment of the Supreme Court in **NCTE v. ShyamShiksha Prashikshan Sansthan**². The Learned Single Judge of the Rajasthan High Court held that deficiency of teaching days could be completed by holding extra classes on holidays and overtime classes; and the cut off date, prescribed in the notification, was discriminatory, arbitrary and violate of Article 14 of the Constitution of India.

As noted hereinabove the requirement of the statutory rules, notified in G.O.Ms. No.25 dated 10.10.2017, is that the candidate should have passed the two year diploma course in elementary education for him to be eligible to participate in selection process and to

¹ (Order in SB Civil Writ Petition No.13038 of 2008 dated 12.12.2008)

² 2011 LawSuit(SC) 63

appear in the written examination to be held in February, 2018 for recruitment of teachers. As the petitioners have, admittedly, not passed the two year diploma course in elementary education till date, they are not eligible in terms of the statutory rules, notified in G.O.Ms. No.25 dated 10.10.2017, to be considered for appointment to the post of teachers.

The Writ Petition as filed is wholly misconceived, and is accordingly dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

Date: 03.01.2018

MRKR

