

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5634 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“....to issue a Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring the impugned undated Selection Notification published by the 2nd respondent giving Hall ticket numbers of candidates provisionally selected for appointment to the post of Post Graduate Teacher Telugu by allowing several unqualified candidates not possessing B.Ed in concerned Methodology i.e., Telugu or its equivalent but having Telugu Pandit Training certificate contrary to the qualification prescribed under Notification No.2 of 2018 dated 30.06.2018, and undertaking further selection process including appointments without publishing any merit list of all the candidates, reservation category wise cutoff etc. as arbitrary, illegal, without jurisdiction, violative of Articles 14, 16 and 21 of Constitution of India and consequently set-aside the same and appointments if any made by directing the 2nd respondent to revise the selection notification excluding the unqualified candidates possessing Telugu Pandit Training certificate and to select and appoint the petitioners and other eligible candidates possessing B.Ed Telugu to the post of Post Graduate Teacher Telugu under Notification No.02/2018 dated 30.06.2018 issued by the 2nd respondent as per their eligibility, merit and roster with all consequential benefits and to pass such and further orders in the interest of justice.”

Heard Sri S. Rahul Reddy, learned counsel for the petitioners; learned Government Pleader for Social Welfare appearing for respondent No.1; Sri N. Bhupal Reddy, learned Standing Counsel appearing for respondent Nos.2 to 6 and Sri Abu Akram, learned counsel for respondent No.7; and Sri K. Ramakanth Reddy, learned counsel for respondent No.8.

It has been contended by the petitioners that they are fully eligible and qualified to be appointed to the post of Post Graduate Teachers (Telugu) and the respondents have issued notification No.2 of 2018 dated 30.06.2018 inviting applications for the post of Post Graduate Teachers in Residential Educational Institutions Societies. The petitioners submit that as per the said notification, academic qualifications prescribed for the post of Post Graduate Teachers in Telugu are that one must possess a Post Graduate Degree in the subject concerned (or its equivalent) with at least 50% marks in aggregate from a University recognized by the UGC and that one must have Bachelor of Education (B.Ed) or B.A., B.Ed /B.Sc., B.Ed from any institution recognized by NCTE with the subject concerned as a Methodology subject. The petitioners submit that having requisite qualifications, they have participated in the selection process and have fared decently well in the said selection process. The petitioners further submit that in the selection notification, the respondents have included several unqualified candidates who do not have B.Ed qualification, but have Telugu Pandit Training Certificate, which is not prescribed in the notification, and as such, selecting the unqualified candidates is contrary to the impugned notification and also to the recruitment Rules.

Learned counsel for the petitioners contends that let the respondents be directed to review the entire selections deleting the candidates who do not fulfill the qualifications as per the notification and as per the recruitment Rules and also direct the respondents to delete such of those candidates who are selected with Telugu Pandit Training Certificate, which is not recognized by National Council for Teacher Education (NCTE) as equivalent to B.Ed, from the selection notification. Learned counsel for the petitioners further contends that appropriate orders be passed in the writ

petition by directing the respondents to delete such of those candidates who do not have B.Ed qualification, but have Telugu Pandit Training Certificate, from the selection notification and also sought a further direction to the respondents to include the petitioners, who are fully eligible and qualified to be appointed to the post of Post Graduate Teachers, in the selection notification.

Learned Standing Counsel appearing for the respondents had contended that the State Government had issued G.O.Ms.No.12 dated 23.01.2009, wherein language Pandit Training is also considered to be equivalent to B.Ed, and in view of the same, the cases of the candidates who have passed Telugu Pandit Training Course are being considered. Therefore, no illegality has been committed by the respondents in selecting the candidates who have Telugu Pandit Training Certificate.

Learned counsel appearing for the petitioners had contended that as per the Rules, B.Ed or equivalent qualification is prescribed and the State Government cannot decide whether Telugu Pandit Training Course is equivalent to B.Ed or not, as it is for NCTE to declare whether Telugu Pandit Training Course is equivalent to B.Ed or not. Therefore, learned counsel for the petitioners contends that let the issue be referred to NCTE so as to examine whether Telugu Pandit Training Course is equivalent to that of B.Ed and, after NCTE adjudicates the issue, let appropriate action be initiated based upon the recommendations of the NCTE.

The suggestions made by learned counsel for the petitioners are also agreed upon by the learned Standing Counsel and the learned Standing Counsel also contended that let NCTE examine the issue whether Telugu Pandit Training Course is equivalent to B.Ed or not.

In view of the above rival submissions made by learned counsel for respective parties, this Court is of the considered view that the NCTE examines the issue whether Telugu Pandit Training Course is equivalent to B.Ed or not, and submits its report to the respondents. Basing upon such adjudication and the report of NCTE, the respondents would act accordingly. If NCTE determines that Telugu Pandit Training Course is not equivalent to B.Ed., appropriate necessary action be initiated by the respondents by deleting such of those candidates who are selected with Telugu Pandit Training Certificate, from the selection notification, and to consider the cases of the petitioners for appointment to the post of Post Graduate Teachers. This whole exercise shall be undertaken by the respondents within a period of six weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 29th April, 2019
v v