

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18251 of 2018

ORDER :

This writ petition is filed seeking Writ of Mandamus to declare the action of the 2nd respondent in not mentioning the name of the petitioner in the selected list despite securing more marks than the candidates mentioned in the said list, as illegal, arbitrary, unjust and unconstitutional, and consequently sought a direction to the 2nd respondent to consider the case of the petitioner for recruitment to the post of Trained Graduate Teacher (TGT) pursuant to the Notification No.14/2017, dated 14.04.2017 on par with the other candidates, who secured less marks than the petitioner.

The case of the petitioner is that she is fully eligible and qualified to hold the post of Trained Graduate Teacher (TGT) in English. She has responded to the Notification No.14/2017, dated 14.04.2017 issued by the respondents for the post of Trained Graduate Teacher (TGT) in English and after undergoing the regular selection process, the petitioner was declared to have secured 69.8% marks in the selection process. The grievance of the petitioner is that, though she has secured 69.8% marks in the said selection process, her name has not been shown in the selected list and the candidates, who have secured less marks than the petitioner, were considered and

selected as Trained Graduate Teacher. Hence, the present writ petition.

Heard Sri Syed Ghouse Basha, learned counsel for the petitioner, learned Government Pleader for Higher Education appearing for respondent No.1 and Sri D. Balkishan Rao, learned Standing Counsel for respondent No.2 - TSPSC.

Learned counsel for the petitioner contends that the petitioner is having two Master Degrees in English, one from Eastern Institute for Integrated Learning in Management University, Sikkim; and another from Kakatiya University, Warangal. It is further contended that while the petitioner has secured First Division in M.A. (English) from Sikkim University, she secured 45.1% marks in M.A. (English) from Kakatiya University. It is contended that at the time of verification of Certificates, though the petitioner had submitted both the Master Degrees issued by both the Universities, the respondents have taken into consideration only the Master Degree issued by the Sikkim University and after scrutiny of applications and selection process, the respondents have rejected the case of the petitioner on the ground that the Master Degree obtained from Sikkim University is not recognised as per the University Grants Commission (UGC) Regulations and hence her case was not considered for appointment to the post of Trained Graduate Teacher (English).

Learned counsel for the petitioner further contends that there are many unfilled vacancies and since the petitioner is having the requisite qualification of Master Degree in English from Kakatiya University, having secured 45.1% marks, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for appointment to the post of Trained Graduate Teacher (English) in one of the existing unfilled vacancies.

The learned Standing Counsel for the 2nd respondent had submitted that since the petitioner has submitted the Certificate of Master Degree obtained from Sikkim University only at the time of verification of Certificates and as the Certificate obtained from Sikkim University is not recognised and valid as per the UGC Regulations, even though the petitioner has secured 69.8% marks in the selection process, her case could not be considered and the same was rightly rejected by the respondents. The learned Standing Counsel, therefore, submits that there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel for the respective parties, this Court is of the considered view that the petitioner is within the zone of consideration for appointment to the post of Trained Graduate

Teacher (English), having secured 69.8% marks in the selection process. Further, as per the Notification dated 14.04.2017, while the minimum marks required for SC/ST/BC/Differently abled candidates is to have 45% marks in Master Degree, the petitioner, being belonging to BC-A Community, had obtained Master Degree in English from Kakatiya University with 45.1% marks. Thus, though the petitioner fulfils all the requisite conditions as set out in the Notification No.14/2017, dated 14.04.2017, the respondents are not justified in rejecting her case for the said post merely on the ground that at the time of verification of Certificates, she has produced the Certificate obtained from Sikkim University, which is not recognised as per the UGC Regulations. Therefore, the case of the petitioner deserves to be considered for appointment to the post of Trained Graduate Teacher (English).

In view of the above, the writ petition can be disposed of directing the petitioner to submit a fresh representation within a period of two (2) weeks from the date of receipt of a copy of this order seeking consideration of her case for appointment to the post of Trained Graduate Teacher (English) in the existing unfilled vacancies, if any. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of four (4) weeks thereafter.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

01.02.2019.
Msr

JUSTICE ABHINAND KUMAR SHAVILI

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18251 of 2018

01.02.2019
Msr