

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Appeal No.820 of 2019

Date:11.11.2019

Between:

Abdul Fareed Md.

..Appellant

And

The Secretary of Telangana,
Rep.by its Principal Secretary to Govt.,
School Education,
Telangana Secretariat,
Hyderabad and another

...Respondents

Standing Counsel for the appellant : Sri P. Giri Krishna

Standing Counsel for R.2 : Sri D.Balakishan Rao

The Court made the following:

JUDGMENT: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

Aggrieved by the order of a learned Single Judge, passed in W.P.No.20052 of 2019, dated 18.09.2019, whereby the Writ Petition was dismissed, the present Writ Appeal is preferred by the writ petitioner.

2. For the sake of convenience, hereinafter the parties are referred to as they are arrayed in the Writ Petition.

3. The brief facts of the case are that pursuant to the notification No.29/2017, dated 02.06.2017, issued by the respondent No.2-The Secretary, Telangana State Public Service Commission (TSPSC), for appointment to the post of Principal (Schools) in Residential Educational Institutions Societies, the petitioner has applied for the same. However, on the ground that the petitioner does not have the requisite experience, his case was rejected by the 2nd respondent. Assailing the rejection, the petitioner filed writ petition; the same was numbered as W.P.No.20052 of 2019. The learned Single Judge, after going through the pleadings and the record, came to the conclusion that the experience certificate produced by the petitioner does not match the experience as notified in the impugned notification for the post of Principal, dismissed the writ petition.

4. Heard Sri P. Giri Krishna, the learned Counsel appearing for the petitioner, and Sri D. Balakishan Rao, the learned Standing Counsel appearing for the respondent No.2.

5. A perusal of the Notification issued by the 2nd respondent, dated 02.06.2019, and the requirement of experience for the post of Principal (Schools) in Residential Educational Institutions Societies, will clearly show that *the candidate should have a eight (8) years teaching experience including not less than five (5) years as PGT/J.L. in any Government/Aided/ Government recognized High School/Junior College, and also three (3) years of administrative experience as Head Master/Principal of Government/Aided/Government recognized High School/Junior College.*

6. In this particular case, admittedly, the petitioner submitted Experience Certificate showing that he worked as a Lecturer in Classroom Management and Methods of Teaching Physical Science in Stanford College of Education from 1st July, 2006, to 31st December, 2011, and another Experience Certificate, dated 28.10.2018, from Reemaan College of Education (B.Ed) showing that he was working as Principal from 26.02.2012. The academic qualifications of the petitioner are M.Sc (Physics & Maths), M.A. (Philosophy & PPM), M.Ed., and pursuing Ph.D. in Philosophy. As per the notification issued by respondent No.2-TSPSC, the candidate should have B.Ed. or equivalent degree from an institution recognized by the NCTE with the Teaching Methodology in the concerned subject along with the experience. When the notification manifestly makes it clear the eligibility criteria for the candidate to apply for the said post or to be selected for the said post as *the candidate should*

have a eight (8) years teaching experience including not less than five (5) years as PGT/J.L. in any Government/Aided/ Government recognized High School/Junior College, and also three (3) years of administrative experience as Head Master/Principal of Government/Aided/Government recognized High School/Junior College, the petitioner does not possess the requisite teaching experience in the required colleges nor the experience as High School Teacher. When the petitioner does not fit into the scheme of things envisaged in the notification, he cannot put forth a case that he is having more academic qualification and teaching experience than what is required. When the authorities have prescribed a particular condition, the same is ostensibly for the purpose that they select suitable candidates required to be posted for a particular college for which the said notification is given. The Hon'ble Supreme Court and this High Court, on number of occasions, have held that when a notification is issued seeking a candidate having a particular qualification, it is not for the Court to substitute its wisdom or hold that a particular candidate is suitable or not. It is not for this Court to sit in judgment as to whether the candidate is having the requisite qualification or not or as to whether the same is equivalent or more than what is required under the notification. In view of the same, there is absolutely no merit in the present Writ Appeal and no grounds to interfere with the order of the learned Single Judge. Hence, the Writ Appeal is dismissed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

11th November, 2019
smr

