NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3789 of 2019

1. Arun Kumar Navgwal S/o Shri Maheshwar Prasad Navgwal Aged About 29 Years R/o H.No. 234 Katangjor, Pathalgaon, District Jashpur Chhattisgarh.

2. Ram Prasad Choudhary, S/o Shri Vallabha Choudhary, Aged About 30 Years R/o Village - Lankhapali, Post Kotasuwa, District - Raigarh Chhattisgarh.

3. Jeewan Lal Choudhary, S/o Shri Ashwani Choudhary, Aged About 25 Years R/o Village And Post Amgaon, District - Raigarh Chhattisgarh.

4. Rupendra Kumar Sahu S/o Shri Ram Bihari Sahu Aged About 30 Years R/o Village And Post Baghoud, District Janjgir - Champa Chhattisgarh.

5. Daulat Ram Sahu S/o Shri Santosh Kumar Aged About 26 Years R/o Village And Post Pooni, Loharpara, Tehsil Bilaigarh, District Balodabazar Bhatapara Chhattisgarh.

6. Satish Kumar Patel S/o Shri Bhanu Pratap Singh Patel Aged About 32 Years R/o Village And Post Sapos, Tahsil Dahara, District Janjgir - Champa Chhattisgarh.

7. Parmeshwar Patel S/o Shri Chainsingh Patel, Aged About 30 Years R/o Village Nandeli, Post Chikhli, District Raigarh Chhattisgarh.

8. Jyoti Rathore D/o Shri Dev Prasad Rathore, Aged About 27 Years R/o Kabir Gali, Purani Basti, Kharsiya District Raigarh Chhattisgarh.

9. Bhanu Pratap Patel S/o Shri Dilchand Patel Aged About 31 Years R/o Village Salhepali, Post Nandeli, District - Raigarh Chhattisgarh

10. Shravan Kumar Patel S/o Shri Shankar Lal Patel, Aged About 29 Years R/o Ward No. 04, High School Para, Lailunga, District - Raigarh Chhattisgarh.

11. Roop Narayan Sahu S/o Shri Lokhnath Sahu Aged About 27 Years R/o Ward No. 06 Sadar Para, Paoni, Pawani, Balodabazar, District - Balodabazar Bhatapara Chhattisgarh.

12. Vikash Choudhary S/o Shri Chandrika Choudhary Aged About 26 Years R/o Village Aananddipa, Post Garh Umariya, Tahsil Pussor, District - Raigarh Chhattisgarh.

13. Rohini Kumar Patel S/o Shri Gurucharan Patel Aged About 31 Years R/o Bich Basti, Pacheda, Amaldiha, Puktapuri, Pussor, District - Raigarh Chhattisgarh.

14. Ravi Shankar Patel S/o Shri Bhojram Patel Aged About 32 Years R/o H.No. 38, Niche Basti, Ward No. 08, Thakurpali, Post Tarapur, District Raigarh Chhattisgarh.,

15. Mukesh Kumar Namdeo S/o Kishore Kumare Namdeo Aged About 32 Years R/o H.No. 598, Narayan Seth General Store Gali, Near Primary School Dhangar Deep District - Raigarh Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department Mantralaya, Mahanadi Bhawan Naya Raipur, District - Raipur Chhattisgarh.

2. Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar Raipur Chhattisgarh.

3. Chhattisgarh Professional Examination Board, Through Its Secretary, Shailendra Nagar, Raipur Chhattisgarh.

4. State Council Of Educational Research And Teacher, Chhattisgarh, Shankar Nagar, Raipur Chhattisgarh.

---- Respondents

AND

WPS No. 7480 of 2019

1. Rajeev Kumar Dansena S/o Shri Radhe Lal Dansena Aged About 28 Years R/o H.No. 15, Sidar Para, Singhapur, Naharpali, Kharsia, District Raigarh Chhattisgarh.

2. Deepika Patel D/o Shri Balak Ram Patel Aged About 27 Years R/o H.No. 16, Patel Para, Dhupendih, Mahasamund Chhattisgarh.

3. Rup Narayan Sahu S/o Shri Thanda Ram Sahu Aged About 28 Years R/o Village Ruchida, Post Putkapuri, Tahsil Pussour, District Raigarh Chhattisgarh.

4. Mayank Sharma S/o Shri Govind Prasad Sharma Aged About 30 Years R/o Malibadi Ratanpur, Nagar Panchayat Ratanpur, District Bilaspur Chhattisgarh

5. Suresh Kumar Patel S/o Shri Bhuwaneshwar Patel Aged About 30 Years R/o Village Karichhapar, Post Chikhai, District Raigarh Chhattisgarh.

6. Keshav Kumar Choudhary S/o Shri Dileshwar Choudhary Aged About 28 Years R/o Gordih, Post Birnipali, Tahsil Baramkela, District Raigarh Chhattisgarh.

7. Rakesh Kumar Choudhary S/o Shri Rajaram Choudhary Aged About 29 Years R/o Penwara, Post Deogaon, Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, District Raipur Chhattisgarh.

2. Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.

3. Chhattisgarh Professional Examination Board, Through Its Secretary, Shailendra Nagar, Raipur Chhattisgarh.

4. State Council Of Educational Research And Teacher, Chhattisgarh, Shankar Nagar, Raipur Chhattisgarh.

---- Respondents

AND

WPS No. 10902 of 2019

Bhupendra Kumar Sahu S/o Shri Kalyan Sahu Aged About 30 Years R/o Village Biretara Doma, Tehsil And Post Dhamtrari, District Dhamtari Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.

2. Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur Chhattisgarh.

3. Chhattisgarh Professional Examination Board, Through Its Secretary, Shailendra Nagar, Raipur Chhattisgarh.

4. State Council Of Educational Research And Teacher Chhattisgarh Shankar Nagar, Raipur Chhattisgarh.

---- Respondents

AND

WPS No. 2572 of 2020

1. Sanjeev Kushwaha S/o Parmanand Kushwaha Aged About 27 Years R/o H.No. 22, Ward No. 15, Power House Road, Ramanujganj, District Balrampur-Ramanujganj Chhattisgarh.

2. Gavendra Kumar Verma S/o Jantram Verma Aged About 30 Years R/o H.No. 380, Village And Post Chhataud, Via Baikunth, Tahsil Tilda, District Raipur Chhattisgarh.

3. Rajat Bhardwaj S/o Ghanshyam Bhardwaj Aged About 31 Years R/o Plot No. 23, Yugantar Nagar, Near Police Line, Village Parsada, Post Bemcha, District Mahasamund Chhattisgarh.

4. Sagar Kumar Yadu S/o Narad Yadu Aged About 32 Years R/o H.No. 1803, Near Vishwas Provision Store, Vikas Nagar, P.O. Gudhiyari, Raipur, District Raipur Chhattisgarh.

5. Bhushan Lal Yadaw S/o Shrichand Yadaw Aged About 30 Years R/o Baigapara, Ward Danitola, Dhamtari, District Dhamtari Chhattisgarh.

6. Kamleshwar Patel S/o Dongar Prasad Patel Aged About 34 Years R/o At Bore, Post Deogaon, Tahsil Baramkela, District Raigarh Chhattisgarh

7. Vikas Kumar S/o M.R. Sahu Aged About 30 Years R/o Ward No. 43, Club Chowk, Basantpur, Rajnandgaon Chhattisgarh.

8. Amisha Choudhary D/o Bhagwan Dau Chaudhary Aged About 27 Years R/o H.No. 42, Penwara, Post Deogaon, Tahsil Baramkela, District Raigarh Chhattisgarh.

9. Archana Choudhary D/o Hiralal Choudhary Aged About 26 Years R/o H.No. 42, Penwara, Post Deogaon, Tahsil Baramkela, District Raigarh Chhattisgarh

10. Sandeep Yadav S/o G.S. Yadav Aged About 30 Years R/o H.No. 166, Dulari Nagar Rudri Gali No. 2, District Dhamtari Chhattisgarh.

11. Sudarshan S/o Nand Kumar Aged About 32 Years R/o Ward No. 8, H.No. 91, Village Dhiri, Post Somni, District Rajnandgaon Chhattisgarh.

12. Amit Soni S/o Hirji Lal Soni Aged About 28 Years R/o Bramhan Para, Near Bsc Chowk, Dhamtari Chhattisgarh.

13. Rajesh Kumar Dewangan S/o Moti Ram Dewangan Aged About 28 Years R/o Ward No. 05, Village Saragaon, Post Dulla, Tahsil Chhura, District Gariyaband Chhattisgarh.

14. Toman Lal Sahu S/o Jeevan Lal Aged About 29 Years R/o Village And Post Latabod, Tahsil And District Balod Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.

2. Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.

3. Joint Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.

4. Chhattisgarh Professional Examination Board Through Its Secretary, Shailendra Nagar, Raipur Chhattisgarh.

5. State Council Of Educational Research And Teacher Chhattisgarh, Shankar Nagar, Raipur Chhattisgarh.

---- Respondents

AND

WPS No. 2752 of 2020

1. Swergendra Pratap Singh Son Of Bal Mukund Singh Aged About 35 Years R/o Village Kenda, Tahsil Kota, District Bilaspur Chhattisgarh.

2. Akash Barik Son Of Jitendra Barik Aged About 31 Years R/o Village Kasaiya, Post Gharghoda, Tahsil Gharghoda, District Raigarh Chhattisgarh.

3. Bodhaditya Paul Son Of Jagjeevan Pal Aged About 25 Years R/o House No. 112, Near Government Higher Secondary School, Bande, Tahsil Pakhanjur, District Kanker Chhattisgarh

4. Chandra Prasad Sahu Son Of Jageshwar Prasad Sahu Aged About 31 Years R/o Village Bendojhariya, House No. 30/2, Sahu Para, Post Kunkuni, Block Kharsiya, District Raigarh Chhattisgarh.

5. Devendra Pratap Singh Son Of Satyesh Kumar Aged About 26 Years R/o Village Boronda, Post Bangoli, Tahsil Tilda, District Raipur Chhattisgarh.

6. Jai Prakash Yadu Son Of Ghanshyam Prakash Yadu Aged About 31 Years R/o Vidya Nagar, Behind Saraswati Shishu Mandir, Arjuni, District Balodabazar-Bhatapara Chhattisgarh.

7. Jai Prakash Sahu Son Of Gandaray Sahu Aged About 35 Years R/o Mohada, Post Amarkot, Saraipali, District Mahasamund Chhattisgarh.

8. Laxminarayan Mali Son Of Murari Lal Aged About 31 Years R/o Behind Police Line Gharghoda, District Raigarh Chhattisgarh.

9. Manisha Patel D/o Bodhan Singh Patel Aged About 25 Years R/o Village Bhilai, Post Gataura, Block Masturi, District Bilaspur Chhattisgarh

10. Om Prakhas Khobragade Son Of Ishwar Lal Aged About 30 Years R/o Main Road, Chikhlakasa, Dallirajhara, District Balod Chhattisgarh.

11. Prakash Kumar Dhruv Son Of Narayan Prasad Dhruv Aged About 30 Years R/o Kisanpara, Chantidih, Bilaspur, District Bilaspur Chhattisgarh.

12. Rahul Chaturvedi Son Of Nilesh Kumar Aged About 26 Years R/o House No. 27, Chourapara Bharridand, District Bilaspur Chhattisgarh.

13. Praveen Kumar Patel Son Of Goukaran Patel Aged About 28 Years R/o Village Sarra, Post Devsundara, District Balodabazar-Bhatapara Chhattisgarh.

14. Ramakant Patel Son Of Netram Patel Aged About 28 Years R/o Qtr.No. E-7, Cspgcl Colony, Basantpur, District Janjgir-Champa Chhattisgarh.

15. Ravishanker Sahu Son Of Chinta Ram Sahu Aged About 28 Years R/o Shanker Nagar, Ward No. 1 Mahasamund, District Mahasamund Chhattisgarh

16. Shitlesh Kumar Son Of Shanker Lal Aged About 28 Years R/o Village Puchheli, Tahsil Champa, District Janjgir-Champa Chhattisgarh.

17. Sohan Kumar Sahu Son Of Prem Singh Sahu Aged About 31 Years R/o Sendar, Post Parsadkala, Rajim, District Gariyaband Chhattisgarh.

18. Swapnil Maheshwari Son Of Trlok Chand Maheshwari Aged About 33 Years R/o Sadar Road Simga, Post Simga, Tahsil And District Balodabazar-Bhatapara Chhattisgarh.

19. Vaishnav Kumar Pradhan Son Of Sitaram Pradhan Aged About 30 Years R/o Villand And Post Baradoli, Tahsil Pusore, District Raigarh Chhattisgarh.

20. Vikas Barik Son Of Hitendra Barik Aged About 33 Years R/o Kasaiya, Ward No. 1, Post Gharghoda, District Raigarh Chhattisgarh.

21. Yadunandan Choudhari Son Of Chamar Rai Choudhari Aged About 35 Years R/o Tarkela, Tahsil Raigarh District Raigarh Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.

2. Director Directorate Of Public Instructions, Indrawati Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.

3. State Council Of Educational Research And Training (SCERT) Shanker Nagar, Raipur Chhattisgarh.

4. Chhattisgarh Professional Examination Board Through Its Secretary Shailendra Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondents

AND

WPS No. 2250 of 2020

1. Purneshwar Yadav S/o Shri Tejram Yadav Aged About 27 Years R/o - H.No. 46, Ward No. 03, Chandni Chowk, Ahiwara, Post Ahiwara, District- Durg, Chhattisgarh.

2. Manoj Kumar Rathore S/o Shri Narayan Prasad Rathore, Aged About 25 Years R/o H.No. M/380 Vikas Nagar, Kusmunda, District- Korba, Chhattisgarh.

3. Anshul Shrivastava S/o Shri Kamal Kishor Shrivastava Aged About 33 Years R/o- Kaka Para, Ward No.01, Dongargarh, District- Rajnandgaon, Chhattisgarh.

4. Gopal Patel S/o Shri Buthalo Ram Patel Aged About 27 Years R/o Near Dream Land School New Sarkanda, Bilaspur, Chhattisgarh.

5. Pushpanjali Sahu D/o Shri Makhanlal Sahu Aged About 27 Years R/o- Near Malsay Talab, Shitala Colony, Kushalpur, Raipur, Chhattisgarh.

6. Ashish Kumar Sahu S/o- Shri Ghanshyam Prasad Sahu Aged About 27 Years R/o- Dewangan Para, Village And Post Singarpur, District- Balodabazar-Bhatapara, Chhattisgarh.

7. Kishan Kumar S/o Shri Bhanaram Patel Aged About 26 Years R/o- Village Junwan, Post- Malhar, Masturi, Bilaspur, Chhattisgarh.

8. Kishore Sahu S/o Shri Nand Kumar Sahu Aged About 27 Years R/o Near Gayatri Mandir, Shitlapara, Post- Nawapara, Rajim, District- Raipur, Chhattisgarh

9. Robhit Kumar Sahu S/o Shri Onkar Prasad Sahu Aged About 27 Years R/o- Parshuram Ward Near Excise Office, Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh.

10. Archana Sahu D/o Shri Tibhuram Sahu, Aged About 27 Years R/o- Rajiv Gandhi Nagar, Raigarh, District- Raigarh, Chhattisgarh.

11. Bhumika Manikpuri D/o Shri Devanrayan Manikpuri, Aged About 27 Years R/o- H.No.52/1464, Hanuman Nagar, Post-- Sundar Nagar, Raipur, Chhattisgarh

12. Suraj Kumar Yadav Shri Hatkishor Ram Yadav Aged About 30 Years R/o- Atal Chowk, Near Mobile Tower, Farsabahar, District- Jashpur, Chhattisgarh

13. Shiva Patel S/o Shri Abhay Ram Patel Aged About 28 Years R/o Naidu Gali, Rambhata, Raigarh, District- Raigarh, Chhattisgarh.

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, District- Raipur, Chhattisgarh.

2. Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh

3. Joint Director Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Raipur, Chhattisgarh

4. Chhattisgarh Professional Examination Board Through Its Secretary, Shailendra Nagar, Raipur, Chhattisgarh

5. State Council Of Educational Research And Teacher Chhattisgarh, Shankar Nagar, Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Shashank Thakur, Advocate Mr. C. Jayant K. Rao, Advocate Mr. Ghanshyam Kashyap, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate
For respective Respondents	:	Dr. Sourabh Kumar Pandey, Advocate Mr. Yogendra Pandey, Advocate

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Hon'ble Shri Justice P. Sam Koshy

Order on Board

17/11/2020

1. These bunch of Writ Petitions are against the decision of the State Government in not considering the Petitioners for their candidature for selection to the post of Teacher (Mathematics) (E & E) Cadre.

2. Since the issue involved and the pleadings of the parties are all similar and identical, all these Writ Petitions are being disposed of by this common order.

3. Petitioners herein are candidates who have done B.E. in different Branches; like: Mechanical, Computer Science, Metallurgy, Information and Technology etc. In addition, all the Petitioners have

also obtained Degree of B.Ed. and further the Petitioners have also cleared the Teacher Eligibility Test (TET).

4. The relevant rules concerning the issue involved in the present Writ Petitions are the Chhattisgarh School Education Services (Education and Administrative Cadre) Recruitment and Promotion Rules, 2019 (hereinafter shall be referred to as, “the Rules of 2019”).

5. The dispute in the present Writ Petitions arose from an Advertisement which was issued by the Director, Directorate of Public Instructions, Raipur, i.e., Respondent No.2, vide Advertisement dated 9.3.2019. Thus, it is the aforementioned Rules of 2019 which would be the governing factor in the instant case. The posts involved in the present Writ Petitions were all that of Teacher (Mathematics) and the number of posts advertised was 1500. All the Petitioners had applied for being considered against the said post. However, the Respondents while issuing Call Letters did not call upon the Petitioners, which led to the filing of the first Writ Petition that is the leading case in the present bunch of Writ Petitions, i.e., WPS No. 3789/2019. This Court vide interim Order dated 17.5.2019 had permitted the Petitioners to participate in the recruitment process.

6. Of all the petitioners in the bunch of writ petitions, a few of them were not found meritorious in the written examination, in which they had appeared by virtue of the interim protection granted by this Court and therefore, these petitioners do not have a claim. However, the other petitioners, who have cleared the examination

and being meritorious were called upon to participate in the further selection process, however later on they were declared ineligible only on the ground that they are not graduates in Maths and Science, rather they are candidates with B.E. and B.Tech. degree. The bunch petitions therefore, is now being pursued by only those petitioners, who have passed the written examination successfully and have been called upon for the selection process, but were declared ineligible for the aforesaid reason.

7. According to learned Counsel for Petitioners, since the requirement under the Advertisement was only Graduation with Mathematics and two Subjects as per the Schedule specified in the Rules of 2019 and the Petitioners possessed the requisite eligibility criteria as per the said Rules, therefore, non-consideration of the case of the Petitioners is totally arbitrary, illegal and bad in law. As per learned Counsel for Petitioners, as regards the stand of the State Government in not considering the case of the Engineering Graduates for appointment against the post of Teacher (Mathematics), the State Government themselves had permitted the Engineering Graduates for the post of Teacher (Mathematics) in the other departments of the State Government, like, recruitment to the post of Teacher in the Panchayat Department so also the appointments in the Local Bodies (Nagariya Nikay) etc. Similarly, it was also contended by learned Counsel for Petitioners that the Engineering Students were permitted to participate in the recruitment process in all the recruitments previously initiated by the State Government. It was further contended that under the

Rules of 2019, there is no specific disqualification or a bar for the students with Engineering background in applying for the said post. It was the specific contention of the learned Counsel for Petitioners that since they are Graduates with Engineering as their subject they have done their Degree course with Mathematics and they also have studied two of the Subjects required under the Schedule of the Rules of 2019, the prescribed eligibility criteria for appointment to the post of Teacher (Mathematics), i.e., Graduation with Mathematics along with any of the two Subjects: Physics/Chemistry/ Electronics/Computer Science/Statistics/ Military Science/ Geology Science. According to learned Counsel for Petitioners, the Petitioners having the aforesaid minimum educational qualification prescribed for the said post, and therefore, they cannot be debarred from being considered against the said post advertised and the action on the part of the Respondents is therefore arbitrary, malafide, illogical, illegal and unjustified.

8. Learned Counsel for Petitioners has relied upon the judgment of the Hon'ble Supreme Court delivered in the case of **State of U.P. Vs. Shiv Kumar Pathak, 2018 (12) SCC 595**. In addition, he has also relied upon a Full Bench decision of the Allahabad High Court made in the case of **Amar Kishore Singh Vs. State of U.P., 2018 (6) ALJ 705**, decided on 10.10.2018. Stressing upon the aforesaid two Judgments, learned Counsel for Petitioners submits that even the regulations framed by the National Council for Teachers Education (NCTE) also have permitted the students from the Engineering background to participate in the recruitment process

against the post of Teacher (Mathematics). Further, that the regulations of NCTE framed under the National Council for Teachers Education Act become binding upon the State Government and there was no strong case made out by the Respondents by which the Petitioners can be barred or debarred from participating in the recruitment process to the post of Teacher (Mathematics) only on the ground of the Petitioners' being candidates from the Engineering background. According to learned Counsel for Petitioner, only because the rules do not prescribe Graduation in Engineering, hence, the eligible qualification or the qualification of B.E./B.Tech being omitted from the Rules of 2019 would not by itself exclude the Petitioners from being considered for recruitment to the post of Teacher (Mathematics) in the School Education department. Thus, the Petitioners prayed for being considered against the vacant post of Teacher (Mathematics).

9. Opposing the petition the State Counsel submitted that earlier the Rules Governing the field was that Rules of 2013. In the said Rules the Schedule prescribing qualification specifically held that candidates with B.E./ B.Tech were eligible for participation. However, the State of Chhattisgarh in the year 2019 have framed a New Rule known as the Chhattisgarh School Education Services (Education and Administrative Cadre) Recruitment and Promotion Rules 2019. According to the State Counsel, the Schedule in the Rule does not reflect B.E./ B.Tech to be an eligible qualification for the said post of Teacher. According to the State Counsel, the requirement as per the new Rule is only Graduation, it means there

is a deliberate exclusion of candidates with degree in engineering. Thus they would not be eligible to be considered for the said post for which they have applied and prayed for the rejection of the Writ Petition.

10. Having heard the contentions put forth on either side, it becomes relevant at this juncture to refer to the Rules of 2019 under which the advertisement has been issued:

> **"(ii) Teacher -**
>
> **(a) Graduation and 2 year Diploma in Elementary Education (by what ever name known)**
>
> **OR**
>
> **Graduation with at least 50% marks and 1 year Bachelor in Education (B.Ed.).**
>
> **OR**
>
> **Graduation with at least 45% marks and 1 year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition, Norms and Procedure) Regulations issued from time to time in this regard.**
>
> **OR**
>
> **Higher Secondary or its equivalent with at least 50% marks and 4 years B.A./B.Sc.Ed. Or B.A.Ed./ B.Sc.Ed.**
>
> **OR**
>
> **Graduation with at least 50% marks and 1 year B.Ed. (Special Education)**
>
> **(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.**
>
> **The subjects of the bachelor's degree above will be as follows:-**

S.No.	Subject	Subject Group
(1)	(2)	(3)
1.	English	English literature has been a subject at graduation level.
2.	Hindi	Hindi literature has been a subject at graduation level.

3.	**Social Science**	**One of the subject, history, geography, economics or political science will be compulsory.**
4.	**Biology**	**Two subjects from Chemistry, Botany, Zoology, Military Sciences and Geo-physics are at Graduate level.**
5.	**Sanskrit**	**Sanskrit literature has been a subject at the graduate level or BA. (Classics) or Master's Degree in Sanskrit.**
6.	**Mathematics**	**With two of the following subjects, with math, Physics/Chemistry/Electronics/Computer Science/Statistics, Military Science/Groundnut Science.**
7.	**Urdu**	**B.A. (Urdu)/Graduate with Urdu subject/Jamia Urdu from Aligarh, Adeeb. A. Kamil (three year course)**
8.	**Agriculture**	**Agriculture**
9.	**Music**	**Music**
10.	**Tabla**	**Tabla**

11. From the above referred schedule what we understand is that the only requirement is Graduation with 2 subjects mentioned in the Annexure to the Schedule with Maths for Teacher Mathematics and two subjects mentioned against the post for Teacher Biology.

12. This in other words means that what is to be scrutinized by the authorities is whether firstly the petitioners or the candidate is a Graduate and secondly he as any of the subjects required for the post applied in the Graduation course.

13. This further means that the requirement is Graduation as the basic qualification, which does not mean that candidate who are engineering graduates stand debarred from participating in the recruitment process.

14. Undoubtedly B.E./ B.Tech are also graduation courses and there are may streams within it. If in the respective stream that the

candidate has done his graduation in Engineering Degree course and in that course the relevant required subjects as per the Advertisement or the Rules are taught or the candidate has studied, this Court does not find any strong reason why those candidates should not be permitted to participate in the recruitment against the post of Teacher (Maths) or Teacher (Biology).

15. Another aspect which has to be considered is the fact that all the petitioners inspite of being Graduate in Engineering have also obtained B.Ed and have also cleared T.ET. If an Engineering Graduate is not eligible for recruitment for a post of Teacher why should he be given permission or admission for a B.Ed course as it would be of no held for him/her. Moreover it is not that the course that they have done i.e. of B.E./ B/Tech are not Graduation course, it that be so how can there be a discrimination of debarring them from participation in the recruitment process, subject to they fulfilling all other requisite eligibility criteria.

16. The State Council of Education, Research and Training have themselves permitted the engineering graduates/engineering degree holders with 55% marks to get admission for the B.Ed. course. The Government themselves in the past have permitted engineering graduates to participate in the recruitment process for appointment to the post of Teacher (Maths) and Teacher (Science) subject to the candidates having studied the two subjects which are required for the said posts in terms of the advertisement as subjects in their graduation course. If the graduates in engineering are permitted or are eligible for admission to the B.Ed. course and

are also permitted to participate in the Teachers Eligibility Test. This itself forces this Court to draw an inference that the Government's intention was never to debar the engineering graduates from entering into the teaching profession in the School Education Department, both under the Education Department as also under the Tribal Department.

17. Given the said facts and circumstances of the case, this Court is inclined to allow the writ petition holding that the petitioners would be entitled to participate in the recruitment process subject to the petitioners fulfilling all other eligibility criteria and also clearing the selection process on their own merits. This Court only permits or declares the petitioners eligible to participate in the recruitment process and their candidature or their application should not be turn down or rejected only on the ground that they have from the engineering background.

18. With the aforesaid observations, the present writ petition stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved