

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3238 OF 2019

Nagesh Ajinath Shekade

.. Petitioner

Versus

The Union of India and another

.. Respondents

Mr. Avinash D. Aghav, Advocate for the Petitioner.

Mr. S. B. Deshpande, A.S.G. for Respondent No. 1.

Mr. K. B. Chaudhary, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 12th FEBRUARY, 2020.

PER COURT:-

. The petitioner has applied for the post of Trained Graduate Teachers (TGTs) Group (B) English subject from OBC category. The petitioner is held ineligible at the time of interview. The only reason for holding the petitioner ineligible is that the petitioner did not study English subject for all three years in the graduation.

2. We have heard the learned counsel for the petitioner and the learned counsel for the respondents.

3. The petitioner possess the qualification of H.S.C., D.Ed. and B.A. B.Ed. The petitioner completed his graduation from Yashwantrao

Chavan Open University. It is not a matter of debate that the degree of Yashwantrao Chavan Open University is a valid degree as per the UGC regulations. As the petitioner has completed D.Ed., he was given admission directly to the second year of B.A. The same is permissible. The grievance of the respondents appears to be that as the petitioner has not appeared for the first year of B.A. examination, he did not study English subject in the first year of B.A. The petitioner was exempted from first year of B.A. on the premise that the petitioner has completed D.Ed. Course. The same is permissible as per the relevant rules and regulations.

4. In the light of the above, it would be inappropriate for the respondents to contend that the petitioner did not study English subject in all the three years and as such, he is ineligible. If by operation of the regulations the petitioner is exempted from appearing for the first year B. A. examination, it would be unreasonable to expect the petitioner to undergo first year of B.A. course though exempted. The objection of the respondents that the petitioner is not qualified only on the ground that he did not attend first year of B.A. interalia did not study English subject in the first year of B.A. would be onerous and would not stand to reason.

5. Mr. Chaudhary, learned counsel for the respondent No. 2 submits that the selection process is concluded. The selection and appointment letters are also issued and the posts are filled in.
6. We cannot unsettle the candidates appointed. However, if it is possible for the respondents to conduct interview of the petitioner, the respondents may take interview of the petitioner and if the petitioner succeeds in the interview, then may place the petitioner in wait list.
7. With these observations, writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.