

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.A.No.562 of 2019

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
02.	17.02.2023	<u>HCJ & NTRJ</u> <u>I.A.No.3 of 2023</u> Heard Mr. Chandraiah Sunkara, learned counsel for the review petitioner. This application has been filed to dispense with filing of certified copy of the order dated 02.12.2021 in W.A.No.562 of 2019. Having heard learned counsel for the review petitioner and having regard to the reasons stated in the accompanying affidavit, I.A. is allowed. <u>I.A.No.1 of 2023</u> Heard Mr. Chandraiah Sunkara, learned counsel for the review petitioner. This interlocutory application has been filed by the appellant for condoning the delay of 372 days in filing the review petition in W.A.No.562 of 2019. After hearing learned counsel for the review petitioner and on perusal of the supporting affidavit, prayer made is allowed. Accordingly, delay of 372 days in	Transferred to i/o folder, before corrections, if any.

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		filing the review petition in W.A.No.562 of 2019 is condoned. I.A. is disposed of. <u>Review I.A.No.2 of 2023</u> Heard Mr. Chandraiah Sunkara, learned counsel for the review petitioner and Mr. M.Ram Gopal Rao, learned Standing Counsel for Telangana State Public Service Commission (TSPSC) for respondent Nos.1 & 2. This petition has been filed seeking review of final judgment and order dated 02.12.2021 passed by a division bench of this Court allowing Writ Appeal No.562 of 2019 filed by the respondents. An advertisement was issued by the Telangana State Public Service Commission (briefly referred to hereinafter as ‘the Public Service Commission’) being Notification No.13 of 2017 inviting applications for the post of Post Graduate Teacher (Mathematics). The qualification prescribed was as follows: <table><tr><td>5</td><td>Post Graduate Teacher in Mathematics</td><td>Mathematics/Applied Mathematics/Statistics/ Applied Statistics/Maths & Computer Science/ A.O. Maths (Acharya Nagarjuna University), provided these candidates should have studied the subject Mathematics at their BA/B.Sc. level.</td></tr></table>	5	Post Graduate Teacher in Mathematics	Mathematics/Applied Mathematics/Statistics/ Applied Statistics/Maths & Computer Science/ A.O. Maths (Acharya Nagarjuna University), provided these candidates should have studied the subject Mathematics at their BA/B.Sc. level.	
5	Post Graduate Teacher in Mathematics	Mathematics/Applied Mathematics/Statistics/ Applied Statistics/Maths & Computer Science/ A.O. Maths (Acharya Nagarjuna University), provided these candidates should have studied the subject Mathematics at their BA/B.Sc. level.				

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		Petitioner submitted application for the said post and participated in the selection process. However, no appointment order was forthcoming. Petitioner had secured 152 marks. With the grievance that candidates who had secured lesser marks than the petitioner were appointed to the post of Post Graduate Teacher, petitioner filed W.P.No.8928 of 2018 before this Court. Learned Single Judge held that petitioner fulfilled the eligibility criteria having studied Mathematics at the graduation level. Accordingly, the writ petition was allowed <i>vide</i> the order dated 02.04.2018. This order came to be challenged by the Public Service Commission in appeal being Writ Appeal No.562 of 2019. The division bench noticed that the qualification prescribed for the post of Post Graduate Teacher in Mathematics was having Mathematics, Applied Mathematics, Statistics, Applied Statistics, Mathematics & Computer Science, A.O. Mathematics (Acharya Nagarjuna University) subject to the candidate having studied the subject	

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		Mathematics at B.A./B.Sc. level. Division bench found that petitioner had obtained B.C.A. degree i.e., Bachelor of Computer Application in which Mathematics was one of the subject in the first year. It was contended on behalf of the petitioner that he was having M.Sc. (Mathematics) and Computer Science degrees. M.Sc. (Mathematics) degree was obtained by way of distance education which is recognized by the University Grants Commission. Division bench noted that the qualification prescribed for the post was B.A./B.Sc. degree. The division bench further observed that this Court does not have the expertise to declare a particular degree equivalent to some other degree. Whether B.A./B.Sc. (Mathematics) is equivalent to B.C.A. cannot be commented upon by this Court. It is only an expert body like the University Grants Commission which is competent to examine such an issue and thereafter issue a certificate of equivalence. Learned counsel for the petitioner submits that the division bench fell in error in confining the qualification to only B.A./B.Sc. According to him, the	

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		qualification prescribed was B.A./B.Sc. level, which would include the degree of B.C.A. Referring to page 64 of the paper book, he submits that petitioner had obtained Bachelor of Computer Application degree. In the first year one of the subjects was Discreet Mathematics, whereas in the 2nd year one of the subjects was Data Analysis which also pertains to Mathematics. The post in question is Post Graduate Teacher in Mathematics. For such a post, the qualification prescribed was that the candidate should have studied Mathematics at B.A./B.Sc. level. In the marks sheet of the petitioner pertaining to Bachelor of Computer Application, we find that the only paper referable to Mathematics was in the first year which is Discreet Mathematics. Though petitioner contends that in the 2nd year the paper Data Analysis also pertain to Mathematics, this contention of the petitioner cannot be gone into by this Court. In our view division bench had rightly posed the question as to whether B.A./B.Sc. (Mathematics) can be construed to be equivalent to Bachelor of	

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		Computer Application. Unless there is a certificate of equivalence issued by a competent authority, this Court in a proceeding under Article 226 of the Constitution of India cannot come to a definite conclusion that the two degrees are equivalent. That being the position, we do not find any good ground to entertain the review application. Consequently, Review Petition is dismissed. H CJ NTRJ KL	