

(2001) 12 AHC CK 0086

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 40363 of 2001

Anoop Kumar Tiwari and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 05-12-2001

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2002) 1 UPLBEC 433

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—The prayer made by the petitioners in this petition is that though their education from schooling up to the passing of graduation degree of all from the State of U.P. but they have passed their B.P. Ed. and B. Ed. degree from the University, which is not situated in the State of U.P., but duly established by law. They have applied with regard to advertisement issued by the respondents for selection for short training appointment as Assistant Teacher in rural area primary school in the State of U.P. They alleged that their application forms have not been considered only on the ground that the advertisement contains the condition that only such candidate, who have passed their B. Ed/B.P. Ed. C.P. Ed./ D.P. Ed./L.T. degree either from a University situated in State of U.P. or from such institutions, which are run and managed by the Government of U.P. alone are entitled to apply. The petitioners relied upon a Division Bench decision of this Court reported "in Upendra Rai Vs. State of Uttar Pradesh and others, , wherein such controversy has been decided and such condition has been held to be ultra vires.

2. In this view of the matter since the controversy appears to be covered by aforesaid decision, the petitioners are entitled for the reliefs asked for. The respondents are directed to consider the petitioners' application forms for selection for the short term Special BTC training course ignoring the condition

referred to above for appointment as assistant teacher is primary school in the rural area of State of U.P. and petitioners application forms should not be rejected only on the ground that they have obtained the degree C.P. Ed., from an University situated outside of the State of U.P. If the petitioners produce this order along with their application forms before the respondents, the petitioners candidature shall be considered in accordance with law like any other candidate and if selected, the petitioners shall be given the appointment also.

3. Issue notice to the respondents turnable within six weeks.