
(2011) 04 AHC CK 0361
In the Allahabad High Court
Case No : Writ A No. 23295 of 2011

Anuj Sharma and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 22-04-2011

Acts Referred:

Citation : (2011) 04 AHC CK 0361

Hon'ble Judges : Krishna Murari, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

Krishna Murari, J.—The Petitioners grievance is that their candidature for admission in Special B.T.C. Course-2004 was rejected only on the ground that they have passed B.P.Ed. degree from Institution outside the State of U.P. where against Petitioners filed writ petition No. 27391 of 2004 wherein an interim order was passed on 23.7.2004 for considering Petitioner provided they have passed B.P.Ed Course from the University recognized by University Grants Commission and the course is also recognized by National Council of Teachers Education. Later on, the said writ petition was disposed of vide judgment dated 12th December, 2008 directing the authority to consider Petitioners" representation. But, in the meantime, since the matter was referred to Larger Bench, the issue remained pending. The Full Bench has decided the dispute vide judgment dated 13.8.2010 holding that it is not open to the State or the State authorities to exclude the students, who have obtained degree/diploma/certificated in LT/ B.P.Ed./D.P.Ed./C.P.Ed. from Institutions/Universities established by law situate at place outside the State of Uttar Pradesh and duly recognized by the NCTE, from applying.

2. Learned Counsel for the Petitioners drew my attention to a Division Bench decision of this Court passed on 28th September, 2010 in Special Appeal No. 1568 of 2010 Ms. Nisha and Anr. v. State of U.P. and Ors. to the following effect:

Heard learned Counsel for the parties.

The learned Single Judge has made an observation that the case of the Petitioner would not be covered by the judgment of Full Bench of this Court in Writ Petition No. 3733 of 2009 Jitendra Kumar Soni and Ors. v. State of U.P. and Ors. decided on 13.8.2010.

In the instant case the Petitioner filed a petition earlier and this court had issued a direction that in the event the Petitioner is eligible and there are vacancies the Appellant herein shall be considered.

Considering the fact that we have already issued directions for consideration of the candidates who were before this Court, we see no reason as to why the Appellant should be denied that benefit.

Accordingly the Respondent No. 2 if has already not complied with the order dated 12.12.2008, will now comply with the same. The impugned order to that extent is modified.

The appeal is accordingly disposed of.

3. In the circumstances, this writ petition is also disposed of directing Respondent No. 2 to comply with the order dated 12th December, 2008 in the case of present Petitioners, if not already complied with.