
(2003) 04 AHC CK 0004
In the Allahabad High Court
Case No : C.M.W.P. No. 16779 of 1998

Asha Devi Pal

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-04-2003

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2003) 5 AWC 3465

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : H.N. Singh, for the Appellant; N.D. Rai and S.C., for the Respondent

Final Decision : Allowed

Judgement

Vineet Saran, J.—The grievance of the Petitioner is that although she is duly qualified for appointment as an Assistant Teacher as she has obtained B.T.C. certificate from a duly recognised college of district Bareilly but she was not being considered for appointment as Assistant Teacher in district Jaunpur because of a condition in the advertisement that the applicant should hold the B.T.C. certificate from the district of Jaunpur itself. As such by means of this writ petition, the Petitioner has prayed for quashing of the aforesaid condition in the advertisement dated 3.5.1998 which requires the applicants to be B.T.C. certificate holders from District Jaunpur.

2. Learned Counsel for the Petitioner has submitted that as the B.T.C. training is a qualification which is the eligibility criteria and if the Petitioner holds such qualification from a duly recognised college, even though if the same may be from a different district, the Petitioner cannot be denied appointment solely on this ground as the same amounts to discrimination and would thus be violative of Articles 14 and 16 of the Constitution of India. He has relied upon a decision of this Court rendered in the case of Neeraj Trivedi Vs. State of Uttar Pradesh and Others, , wherein also such a condition had been held to be unconstitutional.

3. Sri N. D. Rai, learned Counsel appearing for the contesting Respondents has not been able to satisfy me as to on what basis the said condition has been laid down in the advertisement.

4. In my view, the Respondents cannot impose a condition on applicants that they should possess the requisite qualification/certificate from a particular district. As long as the applicants possess the qualification from a college which is duly recognised by the Respondents, they cannot be denied appointment merely on the ground that the certificate has not been obtained from a particular place or district. Such a restriction on the eligibility criteria would be violative of the provisions of Articles 14 and 16 of the Constitution of India.

5. It is not disputed in the present case that the College from where the Petitioner has obtained the B.T.C. certificate is duly recognised by the Respondents. It is thus directed that the Respondents shall not disqualify the candidature of the Petitioner merely because of the condition in the advertisement that she has obtained the B.T.C. certificate from outside the district of Jaunpur.

6. Since it is not disputed that in compliance of the interim order passed in this writ petition, the Petitioner has already been selected as Assistant Teacher in the district of Jaunpur and is working on such post, it is provided that she shall be permitted to continue to work on such post and be paid her salary.

7. In the result, this writ petition is allowed. However, there shall be no order as to cost.