
(2007) 11 RAJ CK 0046
In the Rajasthan High Court

Dhanna Ram Choudhary

APPELLANT

Vs

State of Raj. and Others

RESPONDENT

Date of Decision : 14-11-2007

Acts Referred:

Citation : (2007) 11 RAJ CK 0046

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—Having heard I. ned counsel for the petitioner and having perused the material placed on record, this Court is clearly of opinion that this writ petition seeking the relief of directions to the respondents to offer appointment to the petitioner to the post of teacher Grade III in pursuance of the advertisement dated 30.10.2006 remains bereft of substance; and the petitioner is not entitled for any relief.

2. By way of the advertisement dated 30.10.2006 (Annex.3) applications were invited from eligible candidates for selection to the post of teacher in primary schools and upper primary schools under the Rajasthan Panchayati Raj Rules, 1996 giving out the requisite qualifications of: (i) Senior Secondary School Certificate or Intermediate or its equivalent with (ii) Diploma or Certificate in Elementary Teachers Training of a duration of not less than two years, or Bachelor of Elementary Education for the purpose of teachers in primary schools; and that of (i) Senior Secondary School Certificate or Intermediate or its equivalent with (ii) Diploma or Certificate in Elementary Teachers Training of a duration not less than two years, or Bachelor of Elementary Education, or Graduate with Bachelor of Education (B.Ed.) or its equivalent for the purpose of teachers in upper primary schools.

3. The petitioner having the qualification of B.Com. and B.Ed. offered his candidature in terms of the advertisement aforesaid; was allotted Roll No.

397648 for the purpose of taking written examination; and, according to the petitioner, he was declared successful in written examination standing at merit No. 2687. The petitioner has raised the grievance that despite having been declared successful in the written examination his name has been deleted from the list of selected candidates by the order dated 21.07.2007 (Annex.4) stating the reason that he does not fall within the cut off marks of B.Ed. as issued by the Commission. The petitioner has urged that the respondents have acted wholly illegally in striking out their own order putting him in merit at Serial No. 2687; that the petitioner comes in the merit of primary teacher but his name is sought to be deleted on the alleged ground of his not falling in the merit of B.Ed. qualified candidates and such an approach is unsustainable; that the petitioner is possessed of the qualification required by the advertisement in question and is rather having higher qualification and yet his candidature has been rejected arbitrarily and without any opportunity of hearing.

4. The submissions remain bereft of substance for the simple reason that under the advertisement in question separate posts have been advertised for teachers in primary schools and teachers in upper primary schools; and the qualification possessed by the petitioner, of B.Ed., has not been provided towards the qualification for teachers in primary schools and such qualification of B.Ed. is relevant only for the teachers in upper primary schools. It appears that the candidature of the petitioner was mistakenly considered towards primary schools and thus he was placed at merit No. 2687 for primary schools. The petitioner, not carrying the qualifications of Diploma or Certificate in Elementary Teachers Training of a duration of not less than two years or Bachelor of Elementary Education as requisite for the purpose of teachers in primary schools could not have been selected for such post of teacher in primary school. Then, it has been noticed that the petitioner does not fall within the cut off marks provided for B.Ed. qualification holders. The respondent Commission has, therefore, informed the petitioner of deleting his selection at merit No. 2687 for primary schools and has also informed that he was not standing within the cut off marks for B.Ed. category. The Commission has pointed out:

6- vk;ksx }kjk tkjh B.Ed. dh dV&vkWQ ds vUrZxr vki ugh vkrs gSA

7- izkFkhZ fo|ky; dh M-2687 ij fd;k x;k p;u foyksfir fd;k tkrk gSA

5. The communication so issued by the Commission remains unexceptionable and there does not appear any illegality in mere correction of an obvious error; nor did the petitioner have any such existing legal right that obliged the respondents to extend him so-called opportunity of hearing before correcting an obvious mistake. It is not the case of the petitioner that he stands in merit for the purpose of selection to the post of teacher in upper primary school.

6. No case is made out for interference in writ jurisdiction of this Court. The petition fails and is, therefore, rejected.