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**(2021) 08 TEL CK 0062**  
**In the Telangana High Court**  
**Case No : Writ Appeal No. 260 Of 2021**

Hanmanth Ashok

APPELLANT

Vs

State Of Telangana

RESPONDENT

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**Date of Decision :** 25-08-2021

**Acts Referred:**

Constitution Of India, 1950 — Article 14, 16, 226

**Citation :** (2021) 08 TEL CK 0062

**Hon'ble Judges :** Hima Kohli, CJ;B. Vijaysen Reddy, J

**Bench :** Division Bench

**Advocate :** S. Surender Reddy, D. Balakishan Rao

**Final Decision :** Dismissed

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## Judgement

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1. The writ appeal is filed assailing dismissal of WP.No.19863 of 2019 vide common order passed by the learned Single Judge dated 07.04.2021 in,,

WP.No.10170 Of 2019 and batch. The parties are referred to as arrayed in the writ petition.,,

2. The writ petition is filed seeking the following relief:,,

â??â??the Honâ??ble Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of,,

Mandamus to declare the Notification No.29/2017 dated 02.06.2017 issued by the 2nd Respondent in so far imposing condition No.4B experience,,

seeking total teaching experience of not less than 8 years including not less than 5 year as PGT/JL in any Government/Aided/Government recognized,,

High School/ Junior College and 3 years of Administrative experience as Head Master/Principal of Government/Government recognized High,,

School/Junior College as illegal, arbitrary and against the principles of natural justice and violative of Article 14 and 16 of the Constitution of India and",,,

declare condition No.4B of Notification No.29/2017 dated 02.06.2017 as illegal and ultravires and set aside the same and also set aside the Rejection,,

Memo No.500/Principal REIS/2016 dated 07.08.2019 issued by Respondent No.2 and also set aside the Web Note dated 25.08.2019 issued by the 2nd,,

Respondent under Notification No.29/2017 dated 02.06.2017 issued for General Recruitment of Principal (School) in various REIS issued by TSPSC,,

â?" Respondent No.2 as illegal, arbitrary and against the principles of natural justice and violating Articles 14 and 16 of the Constitution of India and",,,

consequently direct the Respondents to allow the petitioner to interview and also select the petitioner if he is eligible for the post of Principal (School),,,

in various REIS considering his experience and pass â?|â?,,

3. It is the case of the petitioner that he has completed M.A. (Arts) and B.Ed with concerned methodology; he has total teaching experience of 6,,

years, worked as a PGT teacher and taught Social and English from 02.06.2007 to 02.06.2010 in Gurukula Vidyapeeth High School; worked as School",,,

Assistant and taught Social Studies for class VIII, IX and X from June 2010 to July 2012 in a High School; worked in Engineering College from 2016",,,

to 2017. He further stated that the said experience fulfills Part-1 condition of experience in the notification which requires 5 years teaching experience,,

as PGT/JL in any Government/Aided/Government recognized High School/Junior College. He has teaching experience as a Lecturer in Degree,,

College and merely because he worked in a Degree College and therefore, his candidature cannot be rejected. The action of the respondents in",,,

rejecting his experience in Degree College is illegal, arbitrary and unconstitutional.",,

4. The petitioner further stated that his candidature has been wrongly rejected for want of experience in a Junior College. He has 4 years,,

administrative experience as a Head Master in a Government recognized High School, but the second respondent has not counted his teaching",,,

experience from 2007 to 2010 and 2016 to 2017. The petitioner further stated that he has 3 years PGT teaching experience from 2007 to 2010",,,

experience as School Assistant from 2010 to 2012, which itself accounts to 5 years of teaching experience. Additionally, he has one year teaching",,,

experience in an Engineering College from 2016 to 2017. His experience as a Head Master for 4 years ought to have been treated as teaching,,

experience and the respondent No.2 ought to have included his teaching experience in 8 years experience. The teaching experience in an Engineering,,

College is obviously at a higher level than the experience as a Junior Lecturer, which has been mentioned in the notification. The said experience gives",,,

him more mileage and his teaching experience would be advantageous to the students. Higher qualifications and experience in a higher level institution,,

would always be in the interest of the teaching faculty. The notification prescribing experience from Schools/Junior Colleges and avoiding Engineering,,

and Degree Colleges is illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India, for the reason the candidates, who have",,,

teaching experience in Degree Colleges and Engineering Colleges, have lost an employment opportunity as a Principal under the subject notification.",,,

Hence, Condition No.4(b) of the notification be declared as ultravires.",,,

5. In the common counter filed by the respondents, the following averments have been made opposing the claim of the petitioner regarding his",,,

teaching and administrative experience:,,

â??25. It is respectfully submitted that, the petitioner Sri Hanmanth Ashok, with Hall Ticket No.1729001682, who filed WP.No.19863 of",,,

2019 has acquired the qualification MA-English from OU in 2015 and B.Ed-(Social and English) in 2013 from OU and Teaching,,

Experience from 2007 â?" 2012 as Teacher in a High School & Administrative Experience from June 2012 â?" April 2016 as Head,,

Master and as Assistant Professor from 2016-2017.,,,

It is respectfully submitted that, the petitioner has acquired Post Graduation qualification during the year 2015 and therefore the experience",,,

gained by the petitioner earlier to Post Graduation is not considered. Hence the Teaching experience (2007-2012) prior to PG(2015) is not,,

considered. The Honâ??ble High Court in W.P.No.20052 of 2019 delivered orders as â??the University College of Education is a Degree,,

standing imparting education for awarding of Bachelor of Education. Therefore, the teaching experience of the petitioner cannot be treated",,,

as requisite reaching experience as required by the recruitment notification.â?? Hence, B.Ed & Engineering college experience (2016-2017)",,,

not considered. Hence the petitioner has not fulfilled the conditions stipulated in the Notification, even though the petitioner is having",,

sufficient Administrative experience.â??,,

6. It was asserted by the respondents that the candidates who do not possess 5 years teaching experience after acquiring Post Graduation i.e. as PGT,,

in High School, are not entitled to hold the post of Principal (Schools) in REIS. Since the petitioner does not possess sufficient teaching experience",,

after doing his Post Graduation, he is not eligible to hold the post of a Principal.",,

7. In the impugned order, the learned Single Judge, while dealing with issue No.2 i.e. â??Whether stipulating experience as a Post Graduation",,

Teacher in a High School or a Junior Lecturer in a Junior College only as eligibility criteria is illegal?â??. dismissed the writ petition with the following",,

observations:,,

â??29. Experience prescribed is two fold. Teaching and Administrative experience. Notification requires minimum of 8 years teaching,,

experience. Important aspect of teaching experience is one must be a Post Graduate Teacher in a High School or a Lecturer in a Junior,,

college. The teaching experience clause is emphatic in insisting that the candidate must be eligible to become a Post Graduate Teacher even,,

if he is working as a Junior Lecturer. Thus, mere becoming a Junior Lecturer is also not sufficient but one must be eligible to become a Post",,

Graduate Teacher. It means he must also have same methodology in B.Ed course of study in sync with his specialization in Post Graduation.,,

A teacher has to teach subject of his specialization and training. By studying Post Graduation in a subject or two, person acquires",,

specialization in that subject(s). But that is not enough to teach high school students. To be able to teach the high school students he must,,

acquire the skill to teach the subject. He acquires such skill by studying B.Ed., with methodology in the same subject(s) he studied in Post",,

Graduation. Thus, with Post Graduation and B.Ed., with same methodology, person can be able to acquire a command to teach the students",,

on his subject of specialization and gains good experience. Though, a Lecturer in a Junior College teaches intermediate students, but the",,

employer wants only such Lecturers who have acquired skill to teach by opting to same methodology in B.Ed. Course. A Principal is,,

required to perform administrative responsibilities and also required to teach. Thus, even though a person earlier worked as Junior",,,

Lecturer, he will have to teach higher secondary class students. Therefore, employer insists that he must have the training to teach this class",,,

Post code,Name of the Post,Educational Qualifications & Experience

1., "Principal (School) in

Telangana

Residential Educational

Institutions Society", "A. Academic Qualifications:

i) A second class Master's Degree

(M.A./M.Sc/M.Com) or its equivalent from an institution

recognized by the UGC, in the relevant (Annexure-A)

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2., "Principal (School) in

Telangana Social Welfare

Residential Educational

Institutions Society.", "school subjects for which the Post Graduate Teachers (PGT) are eligible with not less than 50% of marks in aggregate or its equivalent.

ii) In case of SC/ST/BC/Differently abled candidates, the minimum marks shall be 45%.

iii) A B.Ed or equivalent degree from an institution recognized by the NCTE with the Teaching Methodology in the concerned subject.

B. Experience:

iv) A total teaching experience of not less than (8) years including not less than (5) years as PGT/JL in any

Government/Aided/ Government recognized High School/  
Junior College and (3) years of administrative experience  
as Head Master/ principal of Government/Aided/  
Government recognized High School/ Junior college

C. Desirable

Knowledge of Computer Applications.

3., "Principal (School) in

Mahatama Jothiba Phule

Telangana Backward

Classes Welfare Residential

Educational Institutions

Society.",

4., "Principal (School) in

Telangana Minorities

Welfare Residential

Educational Institutions

Society",

5., "Principal (School) in

Telangana Tribal Welfare

Residential Educational

Institutions Society.",

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17. It is not for this Court to decide as to whether the petitioner, who has teaching experience in an Engineering College, should be placed at a higher",,,

pedestal than other candidates, who have teaching experience in schools and Junior Colleges. This Court in exercise of power of judicial review under",,,

Article 226 of the Constitution of India cannot interpret the eligibility criteria in such a manner which will have the effect of revising or modifying the,,

eligibility criteria. A Writ Court has got limited jurisdiction in technical matters. As held in a catena of decisions, it is for the employer to prescribe the",,,

eligibility criteria and the same cannot be altered or reviewed by a Writ Court.,,,

18. The Supreme Court in MADAN LAL v. STATE OF JAMMU & KASHMIR (1995) 3 SCC 486 has held as under:,,

â??9â?|.Thus the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves,,

to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It",,,

is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is",,,

not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was",,,

not properly constituted. In the case of Om Prakash Shukla v. Akhilesh Kumar Shukla [1986 Supp SCC 285 : 1986 SCC (L&S) 644 : AIR,,

1986 SC 1043] it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the,,

examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said 26 (1995),,,

3 SCC 486 PNR,J W.P.No.10170 of 2019 & Batch 39 examination, the High Court should not have granted any relief to such a",,,

petitioner.â?,,

19. In MANISH KUMAR SHAHI v. STATE OF BIHAR (2010) 12 SCC 576, the Supreme Court has held as under:",,,

â??16. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19%,,,

marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the",,,

petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked",,,

jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list,,

prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not,,

commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the judgments in Madan Lal v. State,,

of J&K [(1995) 3 SCC 486 : 1995 SCC (L&S) 712 : (1995) 29 ATC 603] , Marripati Nagaraja v. Govt. of A.P. [(2007) 11 SCC 522 :",,,

(2008) 1 SCC (L&S) 68] , Dhananjay Malik v. State of Uttaranchal [(2008) 4 SCC 171 : (2008) 1 SCC (L&S) 1005] , Amlan Jyoti Borooah",,,

v. State of Assam [(2009) 3 SCC 227 : (2009) 1 SCC (L&S) 627] and K.A. Nagamani v. Indian Airlines [(2009) 5 SCC 515 : (2009) 2 SCC,,

(L&S) 57]â??.,,

20. Even in the instant case, the petitioner has participated in the selection process knowing the prescribed terms and conditions. Only when his case",,,

was rejected on the ground of not satisfying the teaching experience, did he approach this Court for relief. Following the ratio laid down by the",,,

Supreme Court in the above pronouncements, it is held that the petitioner cannot be permitted to lay a challenge to the notification, having subjected",,,

himself to the selection process, on the principles of estoppel.",,,

In view of the above observations, the writ appeal is held to be devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any",,,

shall stand closed with no order as to costs.,,,