

(2006) 04 AHC CK 0102

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 23273 of 2006

Jawed Akhtar Siddiqui

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 28-04-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 6 AWC 6437

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : A.K. Banerjee, for the Appellant; C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. This writ petition is filed for a direction to the respondents to consider the petitioner's application for B.T.C. Urdu training.

3. The case of the petitioner is that he possesses qualification in High School with Hindi, English, Bilology, Social Science and Math and Intermediate with Hindi, English, Physics, Chemistry and Biology but he has also passed Intermediate with Urdu from U.P. Board in 1995 as an extra subject. He has also passed graduation in Urdu as well as English literature from Purwanchal University, Jaunpur and has also passed M.A. in Urdu subject. He belongs to O.B.C. category and has applied in pursuance to the advertisement-dated 27.3.2006 published in Dainik Newspaper for B.T.C. Urdu training. The educational qualification provided in the advertisement is degree from a recognized University and the candidates should pass High School and Intermediate examination with Urdu as special subject or those who have taken Urdu as special subject in the High School examination conducted by the Board. The educational qualification given in the advertisement is as under:

^^"kSf{kd ;ksX;rk%&fo"ofoky; vuqnku vk;ksx ls ekU;rk izkIr fo-fo-@ egkfo|

ky;ksa ls Lukrd mikf/k/kkjh ,sls vH;FkhZ ftUgksaus fdlh Hkh jkT; ljdkj @ dsUnz ljdkj }kjk vuqeU; ijh{kk cksMZ @ laLFkk ls gkbZLdwy ,oa baVjehfM;V ijh{kk nksuksa ijh{kk esa mnwZ fo"K; ds lkFk mRrh.kZ dh gks] vkosnu djus ds ik=gksaxs A fo"fo|ky; vuqnku vk;ksx ls ekU;rk izkIr fo-fo-@ egkfo|ky; ls Lukrd mikf/k/kkjh ,sls vH;FkhZ ftUgksaus fdlh Hkh jkT; ljdkj @ dsUnz ljdkj }kjk vuqeU; ijh{kk cksMZ @ laLFkk ls gkbZ Ldwy ,oa b.VjehfM;V ijh{kk fcuk mnwZ fo"K; ds mRrh.kZ dh gks vkSj mlds lkFk jkT; ljdkj @ dsUnz ljdkj }kjk vuqeU; ijh{kk cksMZ @ laLFkk ls gkbZ Ldwy ,oa b.VjehfM;V Lrj ij vfrfjDr fo"K; ds :i esa mnwZ dh ijh{kk mRrh.kZ dh gks vFkok gkbZLdwy ,oa b.VjehfM;V Lrj ij vfrfjDr fo"K; ds :i esa mnwZ dh ijh{kk mRrh.kZ u gksus ij gkbZ Ldwy ,oa b.VjehfM;V ijh{kk ds lkFk mnwZ izoh.krk laca/kh ek;/fed f"K{kk ifj"kn mRrj izns"K vFkok mRrj izns"K ljdkj }kjk led{k ?kksf"kr izoh.krk ls lcaf/kr ijh{kk ?gkbZZLdwy Lrj ij vnhi rFkk b.VjehfM;V Lrj ij vnhc&, &ekfgj ijh{kk tkfed mnwZ vyhx<+ ls? mRrh.kZ dh gks Hkh vkosnu dj ldrs gS A**

4. Admittedly, the petitioner does not have Urdu as special subject in the High School examination.

5. The contention of the counsel for the petitioner is that as provided in the standard of selection the marks obtained by the candidate in the High School and Intermediate examination in Urdu or in graduation would not be utilized for arriving at multiple marks. The standard of selection has been given in para 5 of the advertisement which is as under:

^ ^p;u dk ekin.M%& izdkf"kr vkosnu i= ds dzeKad 10 esa vH;fFkZ;ksa }kjk mfYyf[kr gkbZLdwy] b.VjehfM;V ,oa Lukrd ijh{kk ds izkIrkad izfr"kr ds dqy ;ksx ds vk/kkj ij vkj{k.k laca/kh O;oLFkkvksa dks n`f"Vxr j[krs gq, Js"Brk lwph 50 izfr"kr efgyk ,oa 50 izfr"kr iq:"K gsrq rS;kj dh tk;sxh A vkosnu i= ds ?ekad 11 rFkk ?ekad 12 esa mfYyf[kr gkbZLdwy ,oa b.VjehfM;V vfrfjDr fo"K; mnwZ vFkok mnwZ izoh.krk laca/kh ijh{kk ds izkIrkadksa dk xq.kkad fu/kkZj.k esa iz;ksx ugh fd;k tk;sxh A bu vgZrkvksa dh xzkgrk dsoy izoh.krk ds :i esa gksxh A**

6. The counsel for the petitioner has urged that criteria for selection is mentioned in para 5 of the advertisement in which it has been stated that at column 10 of the application the petitioner's High School, Intermediate and graduation total marks will be counted for selection and the reservation will be followed thereafter. He further submits that in column Nos. 11 and 12 it has been specifically mentioned that in High School and Intermediate if certain candidates who have not possessed the Urdu subject respectively he can mention at column 11 as an extra subject Urdu but the said subject marks percentage is not calculated on the merit list, hence it is mentioned that there is column 12 Abid and Abibeai Mahir two extra qualification from Jamiya Urdu Aligarh University are given and any person possessing above qualification is included in the merit list while preparing the merit list.

7. It is also submitted that the State of U.P. has earlier mentioned 19th July, 1998 regarding the amendment of qualification for the post of Urdu teacher, the

said qualification was mentioned as a candidate who possessed Urdu as one of the subjects but later on it has been amended and that a person must be graduation along with one of the subject as Urdu.

8. In the advertisement also the requisite qualification high school and Intermediate with Urdu is required and it is also shown as essential qualification. It is also provided that the candidate should have passed the examination vnhorFkk vnhc&, &ekfgj ijh{kk tkfed mnwZ vyhx<+ which are qualifications equivalent to High School and Intermediate stage.

9. Admittedly, the petitioner has applied against the advertisement within the stipulated time but his candidature can not be considered as he does not possess bare minimum essential qualification required for selection as laid down in the aforesaid advertisement.

10. For the reasons stated above, no case for interference is made out under Article 226 of the Constitution of India.

11. The writ petition is accordingly, dismissed.