
(2019) 05 UK CK 0170

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 3591 Of 2018

Km. Sheela & Another

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision : 15-05-2019

Acts Referred:

Citation : (2019) 05 UK CK 0170

Hon'ble Judges : Manoj K. Tiwari, J

Bench : Single Bench

Advocate : Anil Kumar Joshi, Paresh Tripathi, Pankaj Purohit

Final Decision : Disposed Off

Judgement

Manoj K. Tiwari, J

1. Petitioners possess Bachelors Degree with Drawing and Painting as subject in addition to B.Ed. Degree. They responded to an advertisement issued by Uttarakhand Subordinate Service Selection Commission on 03.01.2017, whereby applications were invited, inter-alia for the post of Assistant Teacher - L.T. Grade (Arts). As per the advertisement and also as per the Service Rules, a candidate must possess following qualifications for the post of Assistant Teacher - L.T. Grade (Arts):-

"(1) Post Graduate Degree in Drawing and Painting or Fine Art from any University established by law in India.

(2) Intermediate examination with Technical Art / Drawing and Painting, or

Intermediate/Higher Secondary, Senior Secondary Examination passed from a recognized Institution with minimum four years full diploma/with Fine Art from a recognized Institution.

Or

(a) Degree in Drawing or Painting/Fine Art/Art subject from a University

established by law in India.

(b) Degree of B.Ed. from a University established by law or L.T. Diploma from a Government or Recognized Training Institution/College by the Government.

(c) Intermediate Examination with Technical Art/Drawing and Painting.

Or

B.Ed./Diploma in Fine Art from a Regional College of NCERT."

2. Upon conclusion of the selection process, petitioners were declared successful in the written examination and thereafter they were called for document verification by the Selecting Body. At the time of document verification, the Selecting Body found that petitioners have not passed Intermediate Examination with Technical Art/Drawing and Painting as subject. Consequently, candidature of the petitioners was rejected by the Selecting Body vide order dated 03.10.2018, which is challenged in this writ petition. According to petitioners, they had passed Intermediate/12th Standard Examination with Painting Subject from National Institute of Open Schooling.

3. Learned counsel for the petitioners submits that in view of doubt regarding eligibility of one Mr. Simranjeet Singh, who had passed 12th Standard Examination from National Institute of Open Schooling (for short 'N.I.O.S.') with Painting subject, the State Government constituted a three member committee headed by an Additional Secretary. He further submits that the said committee examined the curriculum of Painting subject in N.I.O.S. and Drawing & Painting subject of Intermediate Examination and came to the conclusion that although, nomenclature of the two subjects is different, but there is no difference in the curriculum, therefore, it opined that Intermediate with Painting subject from N.I.O.S. is equivalent to Intermediate with Drawing and Painting subject from Uttarakhand Board. The committee further recommended that if the selecting body recommends a candidate, who has passed 12th Standard Examination with Painting subject from N.I.O.S., then, no objection should be raised regarding his eligibility.

4. Mr. Anil Kumar Joshi, learned counsel for the petitioners submits that one Mr. Simranjeet Singh, on whose representation the aforesaid decision was taken by a three member Committee of the State Government, was subsequently appointed as Assistant Teacher - L.T. Grade (Arts) and he is presently serving under the State Government. Learned counsel for the petitioners further submits that since the case of the petitioners is identical to that of Sri Simran Jeet Singh, therefore, the State Government may be directed to consider the claim of petitioners in the light of the aforesaid decision taken by three member Committee, referred to above.

5. In view of the aforesaid discussion, the writ petition is disposed of with a direction to the Secretary, School Education Department, Government of Uttarakhand to examine the claim of the petitioners for appointment as Assistant

Teacher, L.T. Grade (Art) and take appropriate decision in accordance with law within three months from the date of production of certified copy of this order.

6. All pending applications stand disposed of.