
(2014) 01 RAJ CK 0176
In the Rajasthan High Court
Case No : Civil Writ Petition No. 19043/2012

Moolchand Harijan

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 15-01-2014

Acts Referred:

Citation : (2014) 3 WLN 280

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : Omveer Singh Saini, Advocate for the Appellant; Krishna Verma, Addl. Govt. Counsel, Advocate for the Respondent

Final Decision : Allowed

Judgement

Mohammad Rafiq, J.—This writ petition has been preferred by the petitioner Mool Chand Harijan aggrieved by the action of the respondents by not granting offer of appointment to him despite qualifying under written examination and appearing in the merit. Learned counsel for the petitioner has submitted that petitioner has fight for the post of Nursery Trained Teacher having participated in selection process pursuant to the advertisement Dt. 06.03.2012. According to the learned counsel for the petitioner, the advertisement stated that those who possessed the qualification of NTT training from a institution recognized by NCTE, New Delhi with Senior Secondary School Certificate would be eligible to apply for such post. Learned counsel for the petitioner has further submitted that the petitioner secured the aforesaid qualification from the Rama College of Education, Meerut, Uttar Pradesh. The certificate and the mark-sheet of the petitioner are on record. It is argued that the respondents have withheld the appointment of the petitioner on the pretext that they have verified the documents of the petitioner. The verification of the Rama College was got done by NCTE, New Delhi pursuant to which information was provided by NCTE to the respondents vide its letter Dt. 04.02.2013 (Annex. R/1/3). According to that letter, the recognition was granted to Rama College of Education in 2005 and also

that the recognition is still continuing.

2. The learned counsel for the respondents submitted that in the aforesaid letter the NCTE had written that rules framed by the State Government for NTT and other courses are also applicable to the affiliated institutions. The respondents thereupon inquired from the State Government of Uttar Pradesh and the Secretary, Examination Regulatory Authority, Uttar Pradesh vide its letter Dt. 28.05.2013 informed that the instructions of the State Government for starting the private BTC/NTC Course were issued in the year 2010 and, therefore, the Rama College could not be considered to be recognized in respect of qualification granted by it in 2007-2008. The petitioner could not be held to possess the requisite qualification.

3. On perusal of the letter Dt. 06.05.2013 (Annex. R/1/5) addressed to Director, SCERT, Lucknow by the Deputy Secretary, Education, Rajasthan, it is evident that Rama College was recognized by them in the year 2005. Even the letter of Dy. Director addressed to the Secretary, Examination Regulatory Authority, Uttar Pradesh mentioned this fact that NCTE has confirmed to them that such recognition was granted to Rama College on 04.04.2005. Nothing has been said by the NCTE or the State Government with regard to such institution which was recognized by NCTE prior to the guidelines issued by the Uttar Pradesh in the year 2010. Once the NCTE has admitted the fact of recognition of Rama College of Education, the qualification of NTT obtained by the petitioner has to be accepted valid for the purpose of appointment on the post of Nursery Trained Teacher as the respondents merely required a candidate having Sr. Secondary Education to possess qualification of two years' Nursery Training Teacher Course recognized from NCTE, New Delhi.

4. Accordingly, the writ petition is allowed. The respondents are directed to consider the candidature of the petitioner from the date the junior from the petitioner has been appointed. However, the petitioner shall not be entitled to any monetary benefits for that period though his appointment shall be effective from that day. The compliance of this judgment be made within a period of one month from the date a copy of this judgment is produced before the respondents.