

(2017) 03 JH CK 0085
In the Jharkhand High Court
Case No : 1130 of 2017

Mustak Seikh

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 27-03-2017

Acts Referred:

Citation : (2017) 03 JH CK 0085

Hon'ble Judges : Shree Chandrashekhar

Bench : SINGLE BENCH

Advocate : Sameer Saurabh, Rahul Kamlesh, Dr. Ashok Kumar Singh

Judgement

1. The petitioners, fourteen in numbers, have come to this Court challenging the educational qualification provided in the modified/ amended Advertisement No.21 of 2016, on the ground that requirement of having Graduation degree in "History and Political Science" with 45% marks in one of the two subjects for appointment to the post of Graduate-trained Teacher in History/Civics is contrary to the 2016 Rules. It is further contended that the educational qualification so provided for appointment of Graduate-trained Teachers is arbitrary and there is no nexus between the qualification and the object sought to be achieved, that is, appointment of teachers in the "subject".

2. Dr. Ashok Kumar Singh, the learned counsel for the respondent-Jharkhand Staff Selection Commission, however, submits that when the total number of subjects which are taught in a secondary school is seen with the total number of sanctioned posts, i.e., eleven, it would become clear that the subject-combination provided under the Advertisement is to provide a Teacher in the subject, i.e., "History and Civics" in a school. It is further contended that the educational qualification provided under the Advertisement is neither arbitrary nor it can be challenged by a candidate for the reason that the petitioners have no fundamental right to dictate the educational qualification requirement for appointment to the post of Graduate-trained Teacher.

3. A bare look at the Advertisement when read in the light of the counter-affidavit filed on behalf of the respondent-State would, prima facie, indicate that there is considerable confusion in the requirement of educational qualification for appointment of Graduate-trained Teachers in different subjects. For example, one of the stream is Social Sciences, which is sometimes called Civics also. The minimum educational qualification for appointment on the post of a Teacher in Social Sciences is minimum 45% marks at Graduation level. It is conceded at Bar that the Social Sciences/ Civics would comprise more than a one subject, History being one of the subjects. Now, once it is found that there can be only one Assistant Teacher for "History and Civics", the Advertisement seeking appointment on the post of a Teacher in Social Sciences as well as "History and Civics" both with different qualification do not appear to reasons. The problem is compounded when the qualifications for Social Sciences teachers and "History and Civics" teachers is found separately in the advertisement. There appears to be no semblance of a reasoned decision for requiring different educational qualifications for appointment on the post of Social Sciences/ "History & Civics" teacher, though there can be only one Teacher under both.

4. The same would be the case when the appointment for Science Teachers in two different streams namely, Mathematics/Physics and Biology/Chemistry is seen.

5. Considering the aforesaid facts, it is hereby ordered that further steps pursuant to the amended Advertisement No.21/2016 shall be kept in abeyance, except that the applications shall be accepted till 31.03.2017 which is the last date notified previously.

6. The parties may file additional affidavits.

7. The respondent No.4 shall produce the document/brochure which would indicate the subjects taught under Social Sciences/ Civics in the secondary schools.

8. Considering the urgency in the matter, post the matter on 13.04.2017 under the heading "Final Disposal".