
(2009) 05 AHC CK 0786

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 32218 of 2008

Nikhat Parveen

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 15-05-2009

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2009) 05 AHC CK 0786

Hon'ble Judges : V.K.Shukla, J

Final Decision : Allowed

Judgement

V.K. Shukla, J.—Petitioner had applied for consideration of her claim for Special B.T.C. Course, 2007. Petitioner had passed her B.Ed, course in the year 1993. Her candidature has been sought to be nonsuited on the ground that she has passed her B.Ed, from the institution, which has not been recognised by N.C.T.E. Said opinion has been formed on the basis of Division Bench judgment rendered in Special Appeal No. 391 of 2008 (Smt. Sunita Upadhaya v. State of U.P. and others) and this Court in the case oiBhupendra Nath Tripathi and others v. State of U.P. and others, (2009) 1 UPLBEC 1 has disapproved the judgment rendered in Special Appeal No. 391 of 2008. decided on 13.3.2008 and has held as follows:

"The exclusion of the candidates from the field of eligibility for Special Basic Training Course, 2007, who have obtained B.Ed, degree prior to enforcement of National Council for Teacher Education Act, 1993 or after the enforcement of National Council for Teacher Education Act, 1993 during the period when the application of the institution or the University was pending, consideration is arbitrary, unreasonably and violative of Articles 14 and 16 of the Constitution of India. The above two categories of candidates are also eligible to participate in Special Basic Training Course, 2007. Let out opinion be placed before the Division Bench for deciding the special appeals."

2. Consequently, Principal, District Institute of Education and Training (E.I.E.T.) Allahabad is quashed. Principal, District Institute of Education and Training (D.I.

E.T.) Allahabad is directed to take fresh decision in respect of candidature of petitioner in accordance with law, preferably within period of two months from the date of production of certified copy of this order, subject to condition she fulfils all prerequisite terms and conditions.

3. With these observations, writ petition is allowed.