
(1996) 10 AHC CK 0006
In the Allahabad High Court
Case No : C.M.W.P. No. 28243 of 1996

Nirmal Chandra Mishra and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 29-10-1996

Acts Referred:

Constitution of India, 1950 — Article 14

Uttar Pradesh Basic Education (Teachers) Service Rules, 1981 — Rule 8

Citation : (1996) 10 AHC CK 0006

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : S.C. Pandey, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed for a mandamus directing Respondent No. 3 Basic Shiksha Adhikari, Bhadohi to permit Petitioners to appear in the interview scheduled to be held for selection for Assistant Teachers in pursuance of advertisement dated 18.11.95.

2. I have heard learned Counsel for Petitioner and Sri. K.S. Shukla for Respondent Basic Shiksha Parishad and find no merit in this petition.

3. The Petitioners have done their Bachelor of Education as stated in para 3 of the writ petition. They applied for Assistant Teacher in primary school (Junior Basic School) and their grievance is that they are not being considered for such appointment.

4. A counter-affidavit has been filed.

5. A large number of similar petitions have been filed in this Court and in some of them counter-affidavits have been filed. In Writ Petition No. 30972 of 1996, Rajendra Kumar Dubey v. District Basic Education Officer and Ors., a counter-affidavit has been filed and I am treating this counter-affidavit to be the counter-

affidavit in this case and in all connected cases where the same point is involved. I have perused the counter-affidavit in Writ Petition No. 30972 of 1996. In para 2(f) thereof it is stated: "The courses in duration of B.T.C. and L.T./B. Ed. are entirely different and have been devised keeping in view the stages through which the pupils have to pass. In the case of B.T.C. the method of training course are devised so as to meet the requirement of teaching at formative stage of the pupil who enters the school without any educational background foundation. The curriculum of courses are quite exhaustive and are of two years duration, whereas duration of L.T./B. Ed. Courses are of only one year. In fact the subject matter taught also which the B.T.C. and L.T./B. Ed. training holders are required to teach are entirely different. Thus it is evident that the training qualification for teaching children in primary school is B.T.C. while training for teaching to children in High School and Intermediate College is B. Ed, or L.T. A person may be a very good teacher for teaching intermediate college or High School students but he may not be a good teacher for teaching primary school children because teaching small children requires a different expertise. A special training has to be given to the teachers who are to teach such small children. Hence, it cannot be said that a person who has training to teach High School and Intermediate classes would ipso facto also be a good teacher for primary schools. Teaching small children requires knowledge of child psychology, which an L.T. or B. Ed. teacher may not possess. I cannot also accept the argument that Bachelor of Education and L.T. is higher qualification than B.T.C. In my opinion, it is neither higher nor lower, since these qualifications are for different types of children. In para 5 of the counter-affidavit in Writ Petition No. 30972 of 1996. it has been stated that the training qualification which the Petitioners possess have not been declared as equivalent to B.T.C. by the State of U.P. and as such the Petitioners do not possess the essential qualification for being considered for appointment to the post of Assistant Teacher in Junior Basic Schools in U.P. In view of this, I cannot accept the submission that B.T.C. training should be treated as equivalent to L.T. or B. Ed, in the absence of any declaration of equivalence by the State Government. In this connection, reference may be made to the U.P. Basic Education (Teachers) Service Rules, 1981. Under Rule 8 thereof, the relevant qualifications are given and Bachelor of Education and L.T. are not the qualifications prescribed for Junior Basic Schools.

6. It is then argued by learned Counsel in some of the connected writ petitions that in Uttarakhand area, teachers having Bachelor of Education and L.T. are being permitted to teach in Junior Basic Schools. In my opinion, this is a reasonable classification and hence Article 14 cannot said to have been violated. It is well known that the hill areas have special problems, and hence they cannot be equated to the conditions in the plains. Hence, there is no discrimination. This writ petition and all other connected writ petitions except writ petitions pertaining to hill areas are dismissed.