

(1992) 11 AHC CK 0015

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 818 of 1992

Ramesh Pratap Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 26-11-1992

Acts Referred:

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

Citation : (1993) 1 AWC 606

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : I.N. Singh, Ajay Yadav and S.B. Pandey, for the Appellant;

Final Decision : Allowed

Judgement

M Katju. J.

1. This writ petition has been filed with a prayer for mandamus directing the Respondents to take the Petitioners interview on the basis of the advertisement dated 27-11-1992 (Annexure-9 to the writ petition) and to consider the case of the Petitioners on merits for selection and appointment as Assistant Teacher in Primary Schools and to further consider the Petitioners as duly trained B.T.C. teachers under Rule 8 of the U.P. Basic Education (Teachers) Service Rules 1981 a teacher of a Junior Basic School must hold a B.T.C. certificate along with intermediate certificate. The Petitioners have done B.T.C. correspondence training from a recognised training institute Viz. Rajkiya Diksha Vidyalaya, Shivkuti of District Allahabad vide copies of the B.T.C. certificate which are enclosed as Annexure-1 to 7 respectively to the writ petition. Hence they claimed for their right to be considered for appointment as Junior B.T.C. teachers. An advertisement dated 28-4-1992 was published in the Daily newspaper "Aaj" advertising 172 posts of Assistant Teachers in Allahabad district and 51 posts of Assistant Teachers in Pratapgarh district. The Petitioner applied against this advertisement. This advertisement was subsequently cancelled and a fresh advertisement dated 27-11-1992 was published and the Petitioners had applied

against that also. In paragraph 9 of the writ petition it has been alleged that the Petitioners contacted the Basic Shiksha Adhikari who told them that the candidates possessing the B.T.C. Correspondence certificate will not be allowed to appear in the interview and will not be considered for selection. Hence this writ petition has been filed.

2. In my opinion the Respondents wrongly refused to consider the teachers who hold the B.T.C. training certificate "Correspondence", if the said certificate has been obtained from a recognised institute- Rule 8 does not make any distinction between two types of certificates, one obtained from a regular course and other through a correspondence course. When the authorities have set up a recognised training institute which gives B.T.C. correspondence certificate, it is not understandable how these certificates can be ignored for the purpose of appointment as a teacher. The stand of the Respondents will make the certificate useless.

3. In paragraph 3 of the counter affidavit it has been stated that the purpose of providing the correspondence course was that those untrained teachers who were already in service may get the necessary qualification.

4. In my opinion this can not be a valid ground for ignoring the certificate acquired by the Petitioners once the certificate is given by a regular institute it has to have some purpose. Correspondence courses now a days are a well known method of giving degrees and certificates, particularly in view of the fact that the regular institution already have too many students on their rolls and hence to reduce the load correspondence courses have been introduced in many institutions. There is no reason to ignore such correspondence certificates and as such in my opinion the stand of the Respondents is arbitrary and illegal. The petition is allowed and mandamus is issued to the Respondents to treat the Petitioners as having acquired the qualification under Rule 8 of the U.P. Basic Education (Teachers) Service Rules 1981 and they should be considered for selection and appointment in accordance with merits. The petition is allowed no order as to costs.