
(2010) 05 J&K CK 0023

In the Jammu And Kashmir High Court

Case No : LPA No. 50 of 2010, CMP No. 91 of 2010 and Caveat No. 348 of 2010

Shafeeqa Akhter and Another

APPELLANT

Vs

State of Jammu & Kashmir and Others

RESPONDENT

Date of Decision : 04-05-2010

Acts Referred:

Citation : (2010) 2 JKJ 1

Hon'ble Judges : Jai Pal Singh, J;Hasnain Massodi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

J.P. Singh, J.—Appellants' Writ Petition SWP No. 1815/2009, questioning Mushtaq Ahmad Magray-Respondent No. 5 and Farooq

Ahmad Rather-Respondent No. 6's empanelment as Rehbar-e-Taleem in the newly opened Primary School Parry Pora Kurhama, Ganderbal, was

dismissed by a learned Single Judge of this Court holding that their qualification of M.A (Education) did not deserve the weightage given to the

M.Ed. Degree and that their qualification was not equivalent to the Respondents' professional qualification of B.Ed. which entitled them to

preference in the matter of selection.

2. They have questioned the Writ Court's judgment in this Letters Patent Appeal.

3. We have considered the submissions of learned Counsel for the parties and perused Government Order No. 1503-Edu of 2003 dated October

01, 2003.

4. Appellants' learned Counsel relies on Clause-3 of the Government Order to urge that MA (Education) and M.Ed., indicated to be equivalent

Degrees, preference to the Respondents on the ground of their possessing B.Ed.

Degree was impermissible, in that, Clause-4 of the Government

Order was not required to be read in isolation to nullify the effect of Clause-3 of the Government Order.

5. Justifying the judgment impugned in the Appeal, Respondents' learned Counsel, on the other hand, submitted that M.A (Education) being an

academic qualification, would not entitle the Appellants to extra weightage, as was available, in terms of Clause-4 of the Government Order, to

those who possessed the professional Degree in teaching like B.Ed/M.Ed.

6. Before determining the issue that falls for consideration in this Letters Patent Appeal, as to whether the qualification of M.A (Education) entitled

a candidate desirous of seeking consideration for selection as Rehbar-e-Taleem to the same extra weightage, as was available, in terms of the

Government order, to those holding B.Ed./M.Ed. Degrees, reference needs to be made to the guidelines/norms for selection of Rehbar-e-Taleem

formulated vide Government Order No. 1503-Edu of 2003 dated October 01, 2008, which for facility of reference is reproduced hereunder:

In continuation to Govt. Order No. 396-Edu of 2000 dated 28-04-2000, it is hereby clarified that:

1. Beyond 10 Plus two, the first academically reckonable qualification is a graduate degree like (for instance) B.A., B.Sc., B. Com. etc.

2. In view of (1) above, the intermediate classes like B.A., B.Sc., B.Com. (Part I or II) will not get any extra weightage in working out the

comparative merit of candidates even as exams of such classes are conducted by the University of Kashmir/Jammu.

3. M.A.(Education) and M.Ed. would be equivalent degrees, in academic terms (Candidates with M.A. Education or M.Ed. are, as per the

Recruitment Rules, equally eligible for appointment/promotion as +2 Lecturers).

4. B.Ed./M.Ed. practically carry a professional edge vis-a-vis an (academic) P. G. degree. Extra weightage be allowed, therefore, to B.Ed./M.Ed.

consistent with its role and relevance in the teaching-learning process.

5. C. P. Ed., B.P. Ed. and M. P. Ed. are job-specific requirements (for Physical Education slois). A candidate with C.P.Ed. will be eligible for R-

e-T only if he/she has passed 10+2. Likewise, a candidate with B.P.Ed./M.P.Ed. will be sick with a graduate degree in any other discipline

provided he/she has passed 10+2 - the minimum requirement prescribed under

norms/rules for appointment as R-e-T/teacher save in respect of the Third Teacher for Primary schools, for which the minimum requirement is graduation).

6. Graduates in other disciplines like (for instance) Agriculture, Engineering, I.T., Ayurveda/Unani (systems), Pharmacy, Law, Management etc.

will be at par with any other graduate Degree.

7. In terms of the Government Order referred to hereinabove, the first reckonable academic qualification beyond 10+2 is indicated to be a

Graduate Degree like B.A., B.Sc., B.Com., etc and the intermediate classes like B.A., B.Sc., B.Com. (Part I or II) had not to be recognized for

any extra weightage in working out comparative merit of the candidates.

8. Likewise, the second reckonable qualification is indicated as Master Degree and in this context, Degree of M.Ed. is indicated to be equivalent

to that of Masters Degree in Education.

9. Clause-4 of the Government Order providing for extra weightage to candidates possessing B.Ed./M.Ed. Degrees on the ground that the

professional Degrees would be relevant in teaching and learning process, is an independent Clause and not controlled by Clause-III of the

Government Order, as suggested by the Appellants' learned Counsel, for the academic Degree cannot, by any stretch of reasoning, match a

professional Degree.

10. Looking to the Rehbar-e-Taleem Scheme and the intention underlying therein to impart education at the school level, those holding professional

Degree in teaching, may be entitled to extra weightage in assessment of their merit in the selection process as compared to those holding academic

Degree without any practical experience of teaching.

11. This is so because a professional trained in teaching would certainly be a better suited person for teaching than the one holding an academic

Degree in Education Subject, as such.

12. In this view of the matter, Clause-3 of the Government Order cannot be read to mean that M.Ed. having been treated equivalent to M.A

(Education), would entitle a person possessing Degree of M.A (Education) to the same extra weightage, as was available, to a candidate

possessing B.Ed. or M.Ed. Degree.

13. The view taken by the learned Single Judge supported additionally by the Commissioner's Affidavit that the persons holding B.Ed./M.Ed. were entitled to extra weightage for selection as Rehbar-e-Taleem as compared to those holding Masters Degree in academics, which is found to be rational, cannot be faulted.

14. For all what has been said above, we do not find any error in the Writ Court's judgment, warranting interference in Appeal.

This Appeal is, accordingly, dismissed as without merit.