

(2010) 11 UK CK 0102
In the Uttarakhand High Court
Case No : Writ Petition No. 1051 of 2010

Tara Chandra Ghildiyal

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 24-11-2010

Acts Referred:

Citation : (2011) 2 UD 16

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

V.K. Bist, J.—The Petitioner is a B. Ed student and is pursuing B. Ed course from Government P.G. College Ramnagar, District Nainital for the session year 2009-10. The University did not conduct the examination in time and even till date the examination of B. Ed for the session year 2009-10 has not been conducted by the University. On 30th September, 2010, an advertisement was issued by the Respondents for the appointment on the post of L.T. Grade Teacher. In the said advertisement, the last date for submission of the application was 27th November, 2010. The Petitioner also applied for the said post. Now, the Respondents are conducting the written examination for the post of Assistant Teacher L.T. Grade, but the Petitioner is not being permitted to appear in the examination on the ground that he does not have the required qualification of B. Ed.

2. Learned Counsel for the Petitioner submitted that Petitioner took admission in the B. Ed. course in the session year 2009-10, but the University has not conducted the examination in time and due to the fault of the University, the Petitioner is suffering and he is not being considered for the post of L.T. Grade Teacher. He submitted that in the similar situation the Rajasthan Public Service Commission also issued an advertisement and permitted those candidates who are pursuing B. Ed. course with the condition that such candidates will be required to submit required documents of their requisite qualification before the

date of written examination. He submitted that in the same manner, the Petitioner should also be permitted to appear in the examination conducted by the Respondents for the post of Assistant Teacher L.T. Grade.

3. On the other hand, Shri Dinesh Gahtori, learned Standing Counsel for the State submitted that since the Petitioner does not fulfill the required minimum qualification, he cannot be permitted to appear in the said examination, as in the advertisement dated 30th September, 2010, it was clearly mentioned that the applicants who have obtained the required qualification on the date of publication of the advertisement would be permitted to appear in the said examination.

4. In view of the fact that there was a clear-cut mention in the advertisement about fulfillment of requisite qualification on the date of publication of advertisement, the relief prayed by the Petitioner cannot be granted. Consequently, the writ petition is dismissed. Interim relief (CLMA No. 9470 of 2010) also stands disposed of.

5. Learned Counsel for the Petitioner then submitted that his career is being ruined due to the fault of the University. Therefore, permission be granted to him to file fresh petition for claiming compensation for the loss suffered by the Petitioner due to the fault of the University. Such liberty cannot be granted in the present writ petition. However, if so advised, the Petitioner can approach before the appropriate forum for the same.