

(2003) 04 AHC CK 0247
In the Allahabad High Court
Case No : Special Appeal No. 314 of 2003

Vijai Kumar Kushwaha and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 29-04-2003

Acts Referred:

Constitution of India, 1950 — Article 14, 16, 21

Citation : (2003) 3 UPLBEC 2211

Hon'ble Judges : Tarun Chatterjee, C.J.; Vineet Saran, J

Bench : Division Bench

Advocate : Vikrant Pandey, for the Appellant; Ranvijai Singh and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Tarun Chatterjee, C.J. and Vineet Saran, J.—Heard Sri Vikrant Pandey, learned Counsel appearing for the appellants and Sri Ranvijai Singh, learned Standing Counsel appearing for the respondents.

2. This appeal has been preferred against the judgment and order passed by the learned Single Judge of this Court in Civil Misc. Writ Petition No. 27948 of 1999. The prayer in the writ petition was for a mandamus directing the respondents to permit the petitioners to join B.T.C. training course in pursuance of the Advertisement dated 8.3.1998. The aforesaid advertisement had been issued in pursuance of the Government Order dated 9.1.1998 whereby it was provided that only those candidates who had obtained C.P.Ed., B.P.Ed./L.T., D.P. Ed., B.Ed. degrees/certificates from within the State of Uttar Pradesh would alone be qualified to apply.

3. Admittedly, the appellants have obtained B.Ed. degrees from the State of Madhya Pradesh and not from any College/University within the State of Uttar Pradesh. The appellants have contended that such a restriction imposed by the said Government Order is wholly arbitrary as the degrees obtained by the

appellants were duly recognized under the N.C.T.E. Act and as such they were also eligible for applying against the said advertisement dated 8.3.1998.

4. Sri Ranvijai Singh, Learned Standing Counsel appearing for the respondents has submitted that the validity of the Government Order dated 9.1.1998 has already been upheld in another Writ Petition No. 29107 of 1999, Ashok Kumar Pandey v. State of U.P., decided on 19.7.1999. It has also been contended that the decision of the Government to impart condensed training of B.T.C. to only those candidates who are covered under the said Government Order, was a policy decision of the State Government and could not be interfered with or challenged in view of the decision of the Apex Court in the case of English Medium Students Parents Association Vs. State of Karnataka and others,

5. The learned Single Judge dismissed the writ petition holding that it was open to the State Government to make classification in its Government Order and the Government restricted the scope of appointment only to those candidates who obtained degrees from within the State of Uttar Pradesh. Such restriction was held to be a valid restriction and could not be said to be violative of Articles 14, 16 and 21 of the Constitution of India.

6. Having heard learned Counsel for the parties and on perusal of the record, we are of the view that the impugned judgment and order dated 27.8.1999 does not suffer from any infirmity. No ground has been made out for interference in appeal. We agree with the learned Single Judge in upholding the vires of the said Government Order dated 9.1.1998 and also the selections made in accordance with the said Government Order and also the advertisement dated 8.3.1998 issued by the respondents.

7. Accordingly, this appeal is dismissed being devoid of merit. There shall be no order as to costs.