

(2014) 11 AHC CK 0107

In the Allahabad High Court

Case No : Civil Misc. Writ Petition Nos. 58787 and 57025 of 2014

Vinod Kumar Yadav and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-11-2014

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2015) 1 ADJ 547 : (2015) 1 AWC 210 : (2015) 2 ESC 1073 : (2014) 4 UPLBEC 3344

Hon'ble Judges : Dhananjaya Yashwant Chandrachud, C.J.; Pradeep Kumar Singh Baghel, J

Bench : Division Bench

Advocate : Seemant Singh, Advocates for the Appellant

Judgement

Dr. Dhananjaya Yeshwant Chandrachud, C.J. and Pradeep Kumar Singh Baghel, J. —An advertisement has been issued on 28 September 2014 by the Joint Director of Education, Vindhyachal Region, Mirzapur for the post of L.T. Grade Teachers and Trained Graduate Teachers in different subjects. The petitioners of Writ-C No. 58787 of 2014 belong respectively to the OBC category and General Category. The first and the second petitioners of Writ - C No. 57025 of 2014 belong to General Category whereas the third and the fourth petitioners belong to OBC Category. All the petitioners have applied in pursuance of the advertisement. They now seek to question the constitutional validity of the provisions contained in Rule 15(2) of the Uttar Pradesh Subordinate Educational (Trained Graduates Grade) Service Rules, 1983 [Rules] on the basis of which the selection has been initiated. Rule 15 provides for the procedure for recruitment. Under sub-rule (2) of Rule 15, the Regional Deputy Director of Education has to scrutinize the applications and to cause the list of candidates to be prepared on the basis of quality points as specified in Appendix "D". Thereafter the list is to be placed by the Regional Deputy Director of Education before the Selection Committee. The Selection Committee prepares a subjectwise list of selected candidates in order of merit as disclosed by the quality points.

2. The real bone of contention is in regard to Appendix "D" which provides as follows:

3. Under Appendix "D", a method has been provided for the computation of quality points. For the High School Examination, the quality points are computed as a percentage of marks obtained, divided by ten. A similar computation is provided for the Intermediate (the percentage of marks multiplied by 0.2) and for the Graduate Degree (the percentage of marks multiplied by 0.4). In other words, the marks which are ascribed for a Graduate Degree are higher than for the Intermediate and the marks which are ascribed for Intermediate are higher than for the High School. This is perfectly rational since the marks obtained in the Graduate Degree would carry a greater weight than for the Intermediate and similarly those for the Intermediate would have a greater weight than the High School. Similarly a weight is ascribed to the marks obtained in the theory and practical examinations during the course of the training.

4. The submission which has been urged is two fold. Firstly, it has been submitted that the computation of quality points excludes all other aspects in regard to the personality of an Assistant Teacher which must be borne in mind and no interview has been provided where these considerations can be assessed. Secondly, it has been submitted that there is no method to equate the value of marks obtained at the examination held by different examining bodies.

5. While dealing with these submissions, it must be noted that the positions which are required to be filled in are entry level positions of Assistant Teachers in Government Inter Colleges.

6. The Rule provides an objective and transparent method for the computation of quality points. The test in determining the constitutional validity of the Rules is not whether a better method is available or should be implemented because this is a matter for the expert judgment of the rule making authority. The issue is whether the Rule suffers from arbitrariness such as by bringing into consideration extraneous circumstances. There is no such flaw that would result in the rule being declared arbitrary and violative of Article 14 of the Constitution. Whether an interview should be held for an entry level position of an Assistant Teacher is a matter of policy for the State Government to decide. In fact, if an interview were to be held, conceivably that may also not be free from bias or subjectivity which is an important consideration to be borne in mind when a recruitment is to be made for the post of an Assistant Teacher in a Government Inter College. Similarly, insofar as the second submission is concerned, there is no compulsion on the State to necessarily hold a common entrance test or written examination for the purpose of recruitment. Again whether a written examination would better fulfill the object of the process is a matter which lies in the policy discretion of the State. The High Court cannot strike down the existing Rules on that basis.

7. For these reasons, we are not inclined to entertain the petition since there is

no merit in the constitutional challenge. No other point is pressed. The petition lacks merit and is, accordingly, dismissed. There shall be no order as to costs.