

Rajasthan High Court - Jodhpur

Sharmila Barma vs State Of Rajasthan on 25 May, 2022

Bench: Arun Bhansali

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR S.B. Civil Writ Petition No. 6411/2022 Sharmila Barma W/o Om Prakash Kumawat, Aged About 33 Years, Resident Of Ramesh Talkies, Jaisalmer.

----Petitioner Versus

1. State Of Rajasthan, Through The Secretary, Education Department, Government Of Rajasthan, Jaipur.
2. The Director, Elementary Education, Bikaner.
3. The District Education Officer, (Elementary Education), Jaisalmer.
4. The Director, Board Of Secondary Education, Ajmer.

----Respondents For Petitioner(s) : Mr. Shreyash Ramdev. For Respondent(s) : Mr. Pankaj Sharma, AAG.

Mr. Rishi Soni.

HON'BLE MR. JUSTICE ARUN BHANSALI Order 25/05/2022 This writ petition has been filed by the petitioner aggrieved against cancellation of her candidature for the post of Teacher Grade III (Level I) pursuant to the advertisement dated 31.12.2022.

It is inter-alia indicated by learned counsel for the petitioner that pursuant to the advertisement, the petitioner applied for the post of Teacher Grade III (Level I) (General Teacher).

The petitioner, for the purpose of qualification, indicated that she had passed her higher secondary certificate from Higher Secondary Educational Board, Nepal. As the name of the petitioner appeared in the cut-off of the candidates short listed, she was called for document verification, wherein, the petitioner uploaded her documents, the candidature of the petitioner has been rejected with the following remark:-

(2 of 4) [CW-6411/2022] "Remark:-vH;FkhZ }kjk mÙkh.kZ dh xbZ mPp ek/;fed ijh{kk dks jktLFkku ek/;fed cksMZ vtesj }kjk mPp ek/;fed ijh{kk dh led{krk ugha nh gqbZ gSA"

Learned counsel for the petitioner further made submissions that the rejection of petitioner's candidature on the ground that the qualification held by the petitioner has not been recognized as equivalent by the Board of Secondary Education cannot be the basis for the respondents to reject the candidature of the petitioner, as the same is not the requirement of the Rules/advertisement.

Further submissions have been made that the Ministry of Education (Department of School Education and Literacy) has issued a notification dated 26.11.2021 (Annex.17), which deals with the equivalence of qualification/course/examination conducted by School Education Board of India to grade 10 and 12 board examination qualification for the purpose of admission in higher education institutions and employment under the Central/State Government, wherein, under Clause 3 it is specifically indicated that equivalence granted by Association of Indian Universities (AIU) will be automatically considered as inter- se parity between the Boards in India permitting smooth Inter-School Education Board migrations and that the equivalence given by AIU to a School Education Boards shall be valid at all India Level for the purpose of higher education and employment.

Pursuant to the said indications, the AIU has issued Annex.14, an equivalence certificate to the petitioner, wherein, it is indicated that the qualification is equated with 12 year Senior School Certificate of Central Board of Secondary Education, Delhi/ (3 of 4) [CW-6411/2022] other Boards in India and as such, the rejection of petitioner's candidature is not justified.

Learned counsel for the respondents made submissions that the advertisement requires equivalence with the senior secondary and the respondents, as a bottom line, have been following the equivalence granted by the Board of Secondary Education, Rajasthan and as the said Board of Secondary Education, Rajasthan has not granted the equivalence, the rejection of petitioner's candidature is justified.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

A perusal of the Rule 266 of the Rajasthan Panchayati Raj Rules, 1996 indicates that the qualification as prescribed by the NCTE has been incorporated as the qualification for the post of Teacher Grade III (Level I) and same has been reproduced in the advertisement.

The advertisement indicates the requisite qualification as senior secondary (Or its equivalent) there is no stipulation in the advertisement that the equivalence must be as per the Board of Secondary Education, Rajasthan, therefore, apparently, the rejection of petitioner's candidature on account of absence of equivalence by the Board of Secondary Education cannot be countenanced.

The petitioner has produced an equivalence certificate (Annex.14) issued by the AIU indicating as under:-

"Evaluation of Educational Credentials Sharmila Barma has passed Higher Secondary Certificate from Higher Secondary Education Board, Nepal (renamed as National Examinations Board) an (4 of 4) [CW-6411/2022] accredited Board in Nepal under the aegis of the Ministry of Education, Government of Nepal - this qualification is Equated with 12 year Senior School Certificate of Central Board of Secondary Education, Delhi/Other Boards in India.

(The original certificates and subjectwise eligibility will be verified by the admission giving university/institute)" The notification issued by the Ministry of Education (Annex.17) inter-alia provides as under:-

"3. Equivalence granted by AIU will be automatically considered as inter-se parity between the Boards in India, permitting smooth Inter-School Board Migrations. The equivalence given by AIU to a School Education Boards shall be valid at all India level for the purpose of higher education and employment." A perusal of the certificate issued by the AIU (Annex.14) as well as the stipulation made in the notification (supra), it is apparent that as the AIU has issued the equivalence certificate with regard to the qualification of the petitioner the same will be equivalent to senior secondary, as per the notification dated 15.11.2021 (Annex.17) (supra), the petitioner would be eligible.

In view of the above discussion, the petition filed by the petitioner is allowed. The determination made by the respondents (Annex.13) pertaining to the equivalence is quashed and set- aside.

The respondents are directed to treat the petitioner's qualification as equivalent, in case, she fulfills the other requirements as indicated in the equivalence certificate and in case, the petitioner falls in merit and is otherwise eligible, to accord her appointment.

(ARUN BHANSALI),J 107-pradeep/-