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**(2003) 07 AHC CK 0211**

**Allahabad High Court**

**Case No:** Civil Miscellaneous Writ Petition No"s. 37124 and 35227 of 2001

Rajeev Kumar and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision:** July 14, 2003

**Citation:** (2003) 6 AWC 4697 : (2003) 2 UPLBEC 1754

**Hon'ble Judges:** Rakesh Tiwari, J

**Bench:** Single Bench

**Final Decision:** Dismissed

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### **Judgement**

Rakesh Tiwari, J.

Heard Counsel for the parties and perused the record.

2. The petitioners have filed the present writ petition for direction to the respondents to appoint them as Assistant Teachers in Rural Primary Schools as well as for quashing the Notification dated 14/15.8.2001, issued by the Director, Rajya Shaikshik Anusandhan Aur Prashikshan Parishad, Lucknow, Annexure-1 to the writ petition.

3. The brief facts of the case are that in year 2001 a number of writ petitions were filed challenging the advertisement dated 14.8.2001, which were heard and decided by this Court vide order dated 21.3.2002, by which the advertisement dated 14.8.2001 and the Government Order dated 3.8.2001 were quashed. The leading writ petition was Writ Petition No. 37124 of 2001.

4. Against the judgment and order dated 21.3.2002 a number of special appeals were filed, which were decided by order dated 23.11.2002 quashing the judgment and order dated 21.3.2002 by maintaining the advertisement dated 14.8.2002.

5. The petitioners have also claimed in the writ petition that since they are having qualification of B.P. Ed. from Nagpur University and therefore, they may be appointed as Assistant Teachers in Basic Schools. The Standing Counsel for the

respondents has relied upon the decision in [Yogesh Kumar and Others Vs. Government of NTC, Delhi and Others,](#) in which the Apex Court has held that the teaching of Basic Schools and higher classes are totally different and, therefore, the person having training certificate of B.P. Ed. for higher classes is not fit for teaching in Basic Schools. B.P. Ed. is a physical training qualification in the field of education. In view of the decision of the Apex Court given in the aforesaid case, the petitioners are not entitled to be appointed as Assistant Teachers in the Basic Schools.

6. For the reasons stated above, the writ petition fails and is dismissed. The interim order dated 31.10.2001 is vacated. No order as to costs.