

(2012) 02 JH CK 0167

Jharkhand High Court

Case No: Writ Petition (S) No. 2912 of 2009

Kandey Ram Purty

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision: Feb. 22, 2012

Hon'ble Judges: D.N. Patel, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

D.N. Patel

1. Counsel for the petitioner submitted that the petitioner has applied for the post of Teacher of Ho-language in primary schools and although he has cleared the examination, yet he has not been appointed and unnecessarily respondents are insisting that petitioners must have a B.Ed. Degree in Ho-language from a institution recognized by the N.C.T.E. In fact, there is no such Training School or college recognized by N.C.T.E., which gives B.Ed. Degree in Ho-language, but this fact of the matter has not been appreciated at all by the respondents. Hence, the respondents may be directed to issue appointment letters to the petitioner. Counsel for the respondents submitted that looking to the public advertisement there are three requirements and one of these is that the petitioner must have a two years Teachers" Training or B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. from an institution recognized by the N.C.T.E. The petitioner has cleared such examination from an institution, namely "Mutul Ho Hayam Ppadir Jumpulaya" at Bara Jhikpani, Chaibasa and as this institution is not recognized by the N.C.T.E., petitioner can not be appointed as a Teacher in pursuance of the public advertisement at Annexure 4 to the memo of the petition. It is further submitted by the counsel for the respondents that the advertisement was not for selection of Teachers from the candidates having B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. in Ho-language but from the candidates conversant in Ho-language and holding

B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. The pre-requisite qualification was B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. from an institution recognized by the N.C.T.E. The misunderstanding on the part of the petitioner appears to be that the advertisement was published only for the selection of teachers of Ho-language, which is factually incorrect as per the submission of the counsel for the respondents. It is reported by counsel for the respondents that in a primary school, a teacher has to teach different subjects to the tendered aged children, which needs a special training and therefore a two years Teachers' Training or B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. from an institution recognized by NCTE is a must for the candidates aspiring to get selected as a teacher in a primary school. The subjects may be mathematics, History, Geography and the languages may be English, Hindi including Ho-language. Admittedly, petitioner does not possess B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. certificate from an institution recognized by NCTE and therefore, he can not be appointed in a primary or secondary school as a teacher.

2. Having heard counsel for both sides and looking to the facts and circumstances of the case, I see no reason to entertain this writ petition mainly for the following facts and reasons:

I) A public advertisement has been published by the respondents for the post of Teachers in primary schools. The said public advertisement of the year 2002 is at Annexure 4 to the memo of the petition.

II) Looking to this advertisement, it appears that vide that advertisement, applications for appointment on the post of Teacher in primary as well as secondary schools were invited. The teachers were supposed to teach several subjects like Mathematics, English, Hindi including Ho language. The minimum qualification required is matriculation or equivalent certificate as well as two years Teachers Training or B.Ed./Diploma-in-Education/Diploma-in-Teaching/ C.P.D. from an institution recognized by the N.C.T.E. It appears that petitioner has not cleared this examination from an institution, which is recognized by N.C.T.E.

III) Counsel for the petitioner has relied upon page no. 33 (Annexure 3) of the memo of this petition, which is a Teachers training certificate given by the institution, "Mutul Ho Hayam Ppadir Jumpulaya at Bara Jhikpani, situated at Jorapokhar, district Chaibasa. Counsel for the petitioner submits that this is not an institution recognized by NCTE. Moreover, it ought to be kept in mind that there is no such requirement that a candidate should have B.Ed. Or diploma in Education or Diploma in Teaching or C.P.D. Certificate in Ho language. The requirement, looking to Annexure 4, for teaching in Primary or secondary school is B.Ed, in general, i.e. all the subjects and no specialization is required, it is a misconception of the petitioner that the advertisement is only for Ho-language teacher

(IV) As per Annexure 4, applications have been invited for the teachers in general for the primary as well as secondary schools and for teaching all the subjects. It appears that the argument canvassed by the petitioner is that there is no institution recognized by N.C.T.E. offering B.Ed. Degree in Ho-language. Ho language is not the only language that teachers of primary as well as secondary schools should know. It may happen that tomorrow the respondents include a French language in their syllabus of primary or secondary schools and there may not be any institution recognized by N.C.T.E., which offers B.Ed. Degree in French language. But it is to be kept in mind that the respondents does not require their candidates to have a B.Ed. Degree in French language because what is required is a general B.Ed. Degree. There is no specialization in B.Ed. or other similar pre-requisite qualification given in the public advertisement and therefore, this Court is not ready to accept this contention raised by the counsel for the petitioner that there is no institution recognized by N.C.T.E. which offers B.Ed. in Ho-language and therefore, only on the basis of the certificate in Ho-language acquired by the petitioner, without considering as to from where he has got that certificate and whether he has a B.Ed. degree in general or not, he shall be appointed as a Teacher in a primary or secondary school.

(V) The bare minimum requirement is B.Ed. Degree from an institution recognized by the N.C.T.E. and petitioner does not possesses that minimum qualification. The entire matter has been argued with respect to B.Ed. degree in Ho-language and therefore, rightly the respondents have not appointed the petitioners because pre-requisite qualification in the public advertisement was for a B.Ed. degree in general from an Institution recognized by the N.C.T.E. and not a B.Ed. in Ho-language since a Teacher in a primary and secondary school has to teach several subjects.

3. In view of these facts, as the petitioner does not possess the bare minimum qualification required by the respondents as per the public advertisement, petitioner can not be appointed in primary as well as secondary schools. There is no substance in this writ petition, which is accordingly dismissed.