

**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE ANIL VERMA

ON THE 18th OF OCTOBER, 2024

WRIT PETITION No. 30467 of 2024

LAKSHMI KANT SHARMA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Rakshit Gupta - advocate for the petitioner.

Shri G.K. Agrawal – Government Advocate for respondent/State.

ORDER

1. Heard on the point of admission and interim relief.

Petitioner has filed this petition under Article 226 of the Constitution for quashment of the impugned order dated 09.09.2024 (Annexure P/1) passed by the respondent No.4 whereby the representation filed by the petitioner has been rejected.

2. Petitioner's another grievance is that he should be declared as selected candidate for the post so applied by him in the light of the qualification possessed by the petitioner.

3. Learned counsel for respondent/State contended that petitioner is

a resident of District Jhalwar, Rajsthan and the impugned order Annexure P/1 has been passed by respondent No.4 who is posted at Bhopal, therefore, this petition falls beyond the territorial jurisdiction of this Court and it is not maintainable.

4. Learned counsel for petitioner opposed the prayer and submitted that although the petitioner is a resident of Rajsthan and impugned order has been passed by respondent No.4, but, the order Annexure P/5 has been passed by Joint Director, Lok Sikshan Sambhag, Gwalior and petitioner's earlier petitioner filed vide W.P. No.24121/2023 has been entertained by the Co-ordinate Bench of this Court vide order dated 26.02.2024. Therefore, the preliminary objection raised regarding territorial jurisdiction raised by the respondent/State is not relevant, so far as admissibility of this petition is concerned.

5. Learned counsel for petitioner has placed reliance on the judgement passed by the Central Administrative Tribunal, Principal Bench New Delhi in the case of **Intequam Ali Vs . Government of NCT Delhi and others (OA No. 2514/2022 with OA No.2515/2022)** and in the case of **Pooja Devi Vs. Govt. of N.C.T.D and others.**

6. As per the Madhya Pradesh School Education Services (Teaching Cadre) Service Condition and Recruitment Rules, 2018, advertisement has been issued to fill the vacancy for the post of Madhyamik Shikshak Class-II in different subjects and petitioner also applied for the said post. Schedule- III of the Gazette Notification, Dated 30.07.2018, issued by the Government of Madhya Pradesh, the relevant qualification has been provided for the post of Madhyamik Shikshak, the

same is reproduced herein:-

2	Madhyamik Shikshak	21 years	-do-	<p>1. Bachelors' Degree in the relevant subject and 2 years Diploma in Elementary Education or its equivalent</p> <p>OR</p> <p>Bachelor's Degree in the relevant subject with at least 50% marks and One year Bachelor in Education (B.Ed.)</p> <p>OR</p> <p>Bachelor's Degree in the relevant</p>	<p>1. Passed Teacher Eligibility Examination with the percentage as prescribed in sub rule-5 of rule 11.</p> <p>2. The minimum qualification for Madhyamik Shikshak (Sanskrit) of Sanskrit school shall be Shastri Degree in second division in Sanskrit literature/grammer etc. From a</p>
---	-----------------------	----------	------	--	---

				<p>subject with at least 45% marks and</p> <p>One year Bachelor in Education (B.Ed.) in accordance with the National Council for Teacher Education(Recognition Norms and Procedure) Regulations, issued from time to time in this regard.</p> <p>OR</p> <p>Higher Secondary (or its equivalent) with at least 50% marks and 4 year</p>	<p>recognized Institution/University.</p>
--	--	--	--	---	---

				<p>Bachelors in Elementary Education (B.El. Ed.)</p> <p>OR Higher Secondary (or its equivalent) with at least 50% marks and 4 years Bachelor Degree in the relevant subject (B.A B.Ed./B.Sc. Ed or B.A. Ed/ B.Sc. Ed.) or Bachelor Degree in the relevant subject with at least 50% marks and One year B.Ed. (Special Education)</p>	
--	--	--	--	--	--

				<p>2. Relaxation up to 5% in the qualifying marks shall be allowed to the candidates belonging to reserved categories, such as Scheduled Castes, Scheduled Tribes Other Backward Classes and Persons with Disabilities.</p>	
--	--	--	--	---	--

7. From perusal of the rules, it is clear that for the appointment on the post of Madhyamik Shikshak, it is necessary that a candidate should have Bachelor Degree in the relevant subject with at least 50% of marks and one year Diploma in B.Ed.

8. But as per the mark sheets of the petitioner (Annexure P/6), it is clear that his Bachelor Degree was not in the relevant subject (English), however, his subjects are Political Science, Hindi (Literature) and Sanskrit. Although he has done M.A. in English. but he is not fulfilling the minimum eligibility criteria for appointment on the post of Madhyamik Shikshak (English). Although petitioner has preferred some documents in support of his submissions that some other candidates including respondents No.5 and 6 have been appointed without having the minimum eligibility qualification of the Subject i.e. Bachelor Degree is the particular subject, but from perusal of the records it is clear that the respondents No.5 and 6 are having requisite qualification.

9. On the basis of aforesaid, this Court is of the considered opinion that when the post is English Teacher, then it is but natural that the study must be regular basis in graduation of three years in that very subject. The study of that subject through any other mode or an compartmental basis, without regular studies in a bachelors course for Arts, can in no way be treated as equivalent. Therefore, petitioner is not having the minimum qualification for the post of Madhyamik Shikshak (Subject- English) and he does not deserve any relief. And, therefore, this court does not find any merit in the petition.

10. Therefore, the instant petition is summarily **dismissed** at

motion stage.

11. No order as to the cost.

(ANIL VERMA)
JUDGE

vishal

**VISHAL
UPADHYA
Y**

Digitally signed by VISHAL UPADHYA
DN: c=IN, o=HIGH COURT OF MADHYA
PRADESH BENCH GWALIOR, ou=HIGH COURT
OF MADHYA PRADESH BENCH GWALIOR,
2.5.4.20=5d5050008f4cd0023a64cb03049c8b0d
25cbf93eb4f56a0864a20b4b0e3d3e,
postalCode=474001, st=Madhya Pradesh,
serialNumber=637E939E833627AE8CC13D85E5
F238A287EB86C6DF46347A00E482772314FE9
c=IN,VISHAL UPADHYA
Date: 2024.10.18 18:17:05 +05'30'