

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**LETTERS PATENT APPEAL NO. 1062 of 2012****In SPECIAL CIVIL APPLICATION NO. 1941 of 2012****With****LETTERS PATENT APPEAL NO. 1063 of 2012****In****SPECIAL CIVIL APPLICATION NO. 5729 of 2012****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE JAYANT PATEL****and****HONOURABLE MR.JUSTICE MOHINDER PAL**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
- 5 Whether it is to be circulated to the civil judge ?

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1 - DESAI BHARATKUMAR KARAMSHIBHAI
2 - KHALAS MEHULKUMAR GOVINDLAL
3 - PATEL ALPESHBHAI ISHWARBHAI
5 - CHAUDHARY SURESHBHAI MADHUBHAI

7 - CHAUDHARY SHAILESHKUMAR LAVJIBHAI
8 - PANCHAL CHETANKUMAR GOVINDBHAI
6 - CHAUDHARY BHARATBHAI DALSANGBHAI
4 - CHAUDHARY RASIKKUMAR JESANGBHAI

Appellant(s)
VERSUS

1 - STATE OF GUJARAT THRO PRINCIPAL SECRETARY
2 - DIRECTOR
3 - SECRETARY
Respondent(s)

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Appearance:

MR RJ GOSWAMI, ADVOCATE for the Appellant(s) No. 1 - 8

MR RAKESH R PATEL, AGP for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE JAYANT PATEL
and
HONOURABLE MR.JUSTICE MOHINDER PAL

Date : 28/02/2013

ORAL JUDGMENT

(PER : HONOURABLE MR.JUSTICE JAYANT PATEL)

1. The present appeals are directed against the order dated 10.7.2012 passed by the learned Single Judge of this Court, whereby the learned Single Judge, for the reasons recorded in the order, has dismissed the petitions.

2. We have heard Mr.Goswami, learned Counsel for the appellants and Mr.Rakesh Patel, learned AGP for the respondent State.

3. It is an undisputed fact that the appellants - original petitioners are not holding any of the qualifications for primary section, which are recognized qualifications by NCTE. Since NCTE has not prescribed the qualification of B.P.Ed./D.P.Ed., as the requisite qualification, the authorities are not considering the same as qualification for Head Teacher.
4. In the field of education, what will be the proper qualification should be left to the academicians and this Court cannot sit in appeal over such decision, nor this Court will substitute its own wisdom as against the wisdom of the educationists. When the authorities, on account of the certain qualifications recognized by the NCTE, has not included the qualification of C.P.Ed./B.P.Ed./D.P.Ed., as qualifications for Head Teacher, the decision cannot be said to be arbitrary, which may call for interference.
5. Under these circumstances, we find that the ultimate decision taken by the learned Single Judge for dismissal of the petition does not call for interference. Hence, both the appeals are dismissed. No order as to costs.

(JAYANT PATEL, J.)

(MOHINDER PAL, J.)

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