

HIGH COURT OF JAMMU & KASHMIR
AT SRINAGAR

SWP No.350/2014

Date of Order:30.07.2015

Summia Gul

Vs.

State & ors.

Coram:

**Hon'ble Mr. Justice Mohammad Yaqoob Mir,
Judge**

Appearing Counsel:

For the petitioner(s)/Appellant(s): Mr. M. A. Wani.
For the respondent(s): Mr. S. A. Naik, AAG-for R1
to R-1 to 4.
Mr. Bhat Fayaz Ahmad-for R-5.

(ORAL)

1. Vide advertisement notice dated 21.09.2013, issued by respondent No.4-Zonal Education Officer, Narbal, applications were invited for engagement of three ReT Teachers in newly upgraded schools which include MS Bundpora, Watalpora wherein one post each in the discipline of Math and Science, Social Science and Language (Urdu/Hindi) were to be filled up. As against the post in the discipline of Language(Urdu/Hindi), respondent No.5 was selected and same was notified. Aggrieved thereof, petitioner filed instant the petition projecting therein that she being superior in merit has a right.

2. Vide interim direction dated 25th February, 2014, it was directed that the selection, if any, made shall remain subject to outcome of writ petition. Subsequent thereto, respondent No.5 has been

engaged with a condition that the said engagement shall be without prejudice to the outcome of the pending Court case.

3. The required qualification, as notified in the advertisement notice, for the post in the discipline of Language (Urdu/Hindi) is as under:

“B.A with Urdu/Hindi as one of the subject with B.Ed.”

4. Petitioner possesses the degree of B.Ed. and has also to her credit Masters Degree in Kashmiri language whereas respondent No.5 possesses B.Ed. degree and in addition thereto, possesses M.Ed. degree based on which she has been found to be more qualified, as such, selected and engaged.

5. According to learned counsel for the petitioner, merit is to be adjudged on the basis of required qualification as notified. In another words he would submit that M.Ed. is irrelevant or otherwise even if higher qualification is relevant, then petitioner too possesses higher qualification i.e. M.A. in Kashmiri language.

6. Govt. order No.1503-Edu of 2013 dated 01.10.2003 provides as to what are the guidelines/norms for selection as ReT same have been fixed in-keeping with object of SSA. It is clearly mentioned therein that B.Ed/M.Ed. practically carry a professional edge vis-à-vis academic PG degree and extra weightage has to be allowed to B.Ed./M.Ed. qualification consistent with its role and relevance in the teaching and learning process. At the level of B.A/B.Ed, admittedly, petitioner is superior in merit but while taking into account higher qualification, respondent No.5 has an edge because she possesses M.Ed. in relevant subject whereas petitioner possesses Postgraduate degree in Kashmiri language which is irrelevant for the post.
7. The contention that the merit was to be adjudged on the basis of qualification of B.A with Urdu/Hindi as one of the subject with B.Ed, is illogical. The object of SSA scheme is to provide better education to the children, that is expected when teachers with superior/higher

qualification in the relevant subject are engaged. Respondent No.5 possesses M. Ed. degree so a higher qualification. Her engagement on such basis could not be found fault with.

8. For the afore-stated reasons, petition is without merit, as such, dismissed.

(Mohammad Yaqoob Mir)
Judge

Srinagar
30.07.2015
“Mohammad Altaf”