

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) No. 677 of 2012

Smt. Rabiya ... Petitioner

Vs

Director of School Education & others ... Respondents

With

Writ Petition (S/S) No. 297 of 2012

Mohd. Gulam Rabbani & others ... Petitioners

Vs

State of Uttarakhand & others ... Respondents

With

Writ Petition (S/S) No. 1346 of 2012

Firoz & another ... Petitioners

Vs

State of Uttarakhand & others ... Respondents

With

Writ Petition (S/S) No. 335 of 2012

Rani Begam ... Petitioner

Vs

State of Uttarakhand & others ... Respondents

With

Writ Petition (S/S) No. 767 of 2012

Smt. Meena Juyal ... Petitioner

Vs

State of Uttarakhand & others ... Respondents

Mr. T.A. Khan and Mr. Rajendra Dobhal, Senior Advocates, Assisted by Mr. Aditya Kumar Arya and Mr. D.C.S. Rawat, Advocates and Mr. Anchit Kokhar Advocate holding brief of Mr. J.S. Bisht, learned counsel for the petitioners.
Mr. N.P. Sah, Standing Counsel, present for the State of Uttarakhand.
Mr. Navnish Negi, Advocate, present for the private respondents.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. In all these writ petitions, the dispute is regarding the qualification of the petitioners. Hence all these matters are being heard and decided by this common judgment. For the sake of convenience, however, the facts of WPSS No. 677 of 2012 are being taken into consideration for the disposal of these matters.

2. The petitioners are the candidates for the post of Assistant Teacher (Urdu) in Primary School. As per the advertisement one of the essential qualifications of a candidate

is that he should have done Urdu as one of the subjects in Graduation and B.T.C. In case, a candidate with B.T.C. trained are not available then the candidates who have done their Graduation with Urdu as a subject or done their *Maulam-E-Urdu* after 11.08.1997 will also be considered.

3. The petitioner evidently had done her *Maulam-E-Urdu* after 1997. Evidently there were only 13 seats for Assistant Teacher (Urdu) in which private respondents have been selected. The selected candidates are not only having the Urdu as one of the subjects in their graduation, but in the written examination they have scored much higher marks than the present petitioner.

4. It is also an admitted fact that neither the petitioners (in all the writ petitions) nor the selected candidates i.e. private respondents are BTC trained candidates. In condition it has clearly mentioned where none of the BTC candidates are available then preference was liable to be given to such candidates, who are having *Maulam-E-Urdu* after 1997 or such candidates who are having Urdu as one of the subjects in graduation (which the selected private respondents are having). Therefore, in a situation where none of the available candidates were BTC trained, the selected candidates are the ones, who have Urdu as one of the subjects in their graduation and it is again an admitted fact that all the selected candidates in the written examination have scored higher marks than the petitioner.

5. It is further made clear that since the Government has taken a decision that for District Pauri Garhwal, for which these selections are being made, only 13 seats are required to be fulfilled, no indulgence can be granted to the petitioners, as the petitioners are not amongst the first 13 candidates. No

relief, as prayed, can be granted to the any of the petitioners, as admittedly they do not figure amongst the first 13 candidates, who have scored higher marks than the private respondents.

6. In view of the above facts, the writ petitions fail and are hereby dismissed.

(Sudhanshu Dhulia, J.)

28.02.2017

Aswal