

WPSS No. 3713 of 2017

**U.C.Dhyani, J.**

Mr. B. P. S. Mer, Advocate, present for the writ petitioners.

Mr. M.C.Tiwari, learned Deputy Advocate General, present for the State/respondents.

By means of present writ petition, the petitioners seek following prayer, among others:

*“A writ, order or direction in the nature of mandamus directing the respondent no. 2 to give benefit of judgment dated 03.05.2017 passed in writ petition no. 92 of 2017 (S/S) (Neeraj Kumar Joshi and others vs. State) (Annexure-4) and accordingly consider them in the counseling scheduled in newspaper publication (annexure-7).”*

Learned counsel for the petitioners drew attention of this Court towards an order dated 03.05.2017, passed by a Coordinate Bench of this Court in Writ Petition (S/S) No. 92 of 2017 and prayed that the petitioners be given the similar relief in the present writ petition.

The order dated 03.05.2017 is being reproduced herein below for convenience:

“The petitioners are working as Assistant Teacher, L.T. Grade. The post of Assistant Teacher, L.T. Grade is in feeder category for promotion to the post of Lecturer. The petitioners participated in the selection process after obtaining NOCs from the concerned authorities. The candidature of the petitioners was rejected on the ground that the degree of M.Sc. obtained by them were from St. Peter’s Institute of Higher Education and Research, J.R.N. Rajasthan Vidyapeeth (Deemed to be) University Udaipur (Rajasthan) and Open Distance Education from Open University Vinayak were not duly recognized. A reference has been made to the Circular in the month of June, 2013, 06.11.2015 and 08.12.2015. The petitioners have given instances of the teachers who have been promoted to the post of Lecturer and who have also obtained their respective M.Sc. Degrees from the St. Peter’s Institute of Higher Education and Research, J.R.N. Rajasthan Vidyapeeth (Deemed

to be) University Udaipur (Rajasthan) and Open Distance Education from Open University Vinayak were not duly recognized through distant education mode. It is also the case of the petitioners that the juniors to them, who have obtained Degree from the same Universities have been promoted to the post of Lecturer. The petitioners have obtained their M.Sc. before the guidelines were issued by the University Grants Commission. Thus, the petitioners are also liable to be considered for promotion to the post of Lecturer on the basis of their M.Sc. qualification before the issuance of guidelines in the month of June, 2013, 06.11.2015 and 08.12.2015.

Accordingly, the writ petition is allowed. Impugned order dated 02.07.2016 is quashed and set aside. The respondents are directed to consider the case of the petitioners for promotion to the post of Lecturer in the subject of Physics on the basis of their M.Sc. obtained by them before the guidelines issued by the University Grants Commission within a period of ten weeks from today. The petitioners shall also be considered for promotion from the date when his juniors were promoted.

Pending application, if any, stands disposed of accordingly.”

Learned counsel for the State-respondents fairly conceded that the controversy involved in the present writ petition is squarely covered by the aforesaid decision of the Coordinate Bench of this Court.

Accordingly, the writ petition is allowed. The respondents are directed to consider the case of the petitioners for promotion to the post of Lecturer in their subjects on the basis of their M.Sc. degree obtained by them before the guidelines issued by the University Grants Commission within a period of ten weeks from today. The petitioners shall also be considered for promotion from the date when their juniors were promoted.

Let a copy of this Order be supplied to the learned counsel for the petitioners today itself on payment of usual charges.

**(U.C.Dhyani, J.)**  
29.12.2017