

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPSS No. 1199 of 2022 WPSS No. 1174 of 2022 WPSS No. 1182 of 2022 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Bhagwat Mehra and Mr. B.M. Pingal, Advocates for the petitioners.</p> <p>Mr. N.P. Sah, Standing Counsel and Mr. Narain Dutt, Brief Holder for the State of Uttarakhand.</p> <p>Heard learned counsel for the parties.</p> <p>Petitioners were appointed as Assistant Teacher in Government Primary School in different years. Subsequently, they were promoted as Assistant Teacher Junior High School. Under the relevant recruitment Rules applicable for the post of Assistant Teacher, L.T. Grade, petitioners were eligible for promotion as L.T. Grade Teacher under 30% departmental quota. However, by virtue of an amendment made in the said Rules in the year 2019, petitioners were declared ineligible, as condition of B.Ed. Degree was introduced by an amendment, which was notified on</p>

		<p>23.12.2019.</p> <p>It is not in dispute that notification, inviting applications for promotion under 30% promotion quota to the post of Assistant Teacher, Government Primary Schools, was issued on 20.06.2019 and the Rules were amended subsequent to issuance of said notification. Petitioners participated in the selection held pursuant to the said notification, however, they were not permitted to participate in the counselling. This Court by interim orders provisionally permitted the petitioners to participate in the counselling, however, such participation was made subject to final outcome of the writ petition.</p> <p>Learned counsel for the petitioners submits that the amended Rules notified on 23.12.2019 cannot have any retrospective operation. In support of this contention, he has relied upon a judgment rendered by Division Bench of this Court in WPSB No. 139 of 2021. Learned counsel for the petitioners further submitted that identical controversy has been decided by this Court in WPSS No. 825 of 2020 on</p>
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		<p>17.05.2022, therefore, he submitted that present writ petitions be decided in terms of the said judgment.</p> <p>Learned State Counsel while admits that the question involved in the present writ petitions is similar to the one involved in WPSS No. 825 of 2020, however, he submits that petitioners in WPSS No. 1174 of 2022 and WPSS no. 1182 of 2022 possesses B.Ed. (Special Education) qualification, which is required only for appointment as Special Teacher for teaching children with special needs. He further submits that the qualification possessed by the petitioners in aforesaid two petitions would not meet the requirement of the Rules. He further submits that petitioners in WPSS No. 1199 of 2022 do not possess B.Ed. qualification.</p> <p>To this, learned counsel for the petitioners has drawn attention of this Court to Rule 16 (3) of Uttarakhand Subordinate Education (Trained Graduate Category) Service Rules, 2014, which provides that persons appointed by promotion as L.T. Grade Teacher, if do not possess B.Ed. qualification, then</p>
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		<p>they shall acquire B.Ed. qualification within three years from the date of promotion, failing which they shall not be entitled to any increment on the promoted post.</p> <p>Since learned counsel for the parties are <i>ad idem</i> that controversy involved in these writ petitions has been decided by this Court in WPSS No. 825 of 2020 decided on 17.05.2022, therefore, these writ petitions are also disposed of in terms of judgment dated 17.05.2022 rendered in WPSS No. 825 of 2020. Since result of the petitioners is kept in a sealed cover, pursuant to order of this Court, therefore, the concerned respondent is directed to declare their result. If petitioners are found suitable/eligible for promotion, then the Competent Authority shall issue order of promotion in favour of petitioners as per Rules, which prevailed before 23.12.2019.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J.) 31.08.2022</p> <p>Arpan</p>
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