

Court No. - 74

Case :- WRIT - A No. - 8388 of 2020

Petitioner :- Mukesh Tiwari And 16 Others

Respondent :- State Of U P And 2 Others

Counsel for Petitioner :- Shivendu Ojha, Mrigank Shekhar Singh, Radha Kant Singh

Counsel for Respondent :- C.S.C., Anil Kumar Singh

Hon'ble Ajit Kumar, J.

Heard Sri R. K. Ojha, learned Senior Counsel Assisted by Sri Shivendu Ojha, learned counsel for the petitioners Sri Rohit Kumar Singh, learned counsel holding brief of Sri Anil Kumar Singh, learned counsel appearing for respondent nos. 2 and 3 and the learned Standing Counsel for the State.

The petitioners in this petition are aggrieved against the act and conduct of the respondent-board in not interviewing the petitioners for the post of Assistant Teachers (Art) in L.T. grade pursuant to advertisement no. 01/2016 in spite of the fact that they had duly qualified the written examination and had been issued call letters. It is submitted that while some of the petitioners had approached the selection board to participate in the interview pursuant to the call letters but were refused participation in interview on the ground that they did not possess the requisite qualification of High School with 'Technical Art' as per Appendix 'A' of the Intermediate Education Act and the other petitioners are still in the waiting as their dates of interview are yet to arrive.

The grievance of the petitioners is that the denial of participation in the interview on the ground that the petitioners did not possess minimum qualification of High School with 'Technical Art' is not justified and the ground taken by the petitioners is that in the year 2000, the curriculum of Class IX and X had been separated and the words 'Technical Art' has been taken away from Class X curriculum but the contents of the curriculum prescribed for Class IX uses the words 'Technical Art' and the subject matter of the study provided therein is almost similar to what is there in Class Xth curriculum. It is also argued that even knowledge of technical art will meet the eligibility criteria as prescribed for.

Looking to the curriculum of Class IX and Class X and comparing them with each other and from close scrutiny of the eligibility criteria as prescribed under Appendix 'A' of U.P. Intermediate Education Act, 1921, prima facie, the arguments advanced by the learned Senior Counsel appearing for the petitioners appears to have substance, however, before any interim order is passed to protect the interest of the petitioners

and as Sri Rohit Kumar, learned counsel holding brief of Sri Anil Kumar Singh, learned counsel appearing for respondent nos. 2 and 3 wants to have last opportunity to have instructions, he is directed to have instruction tomorrow by 10.00 am as to whether the Board is going to provisionally permit the petitioners to participate in the interview pending consideration of this petition, or not.

Put up as fresh on 20.10.2020 at 10.00 am.

Order Date :- 19.10.2020/Kuldeep