



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO. 26570 OF 2024

In the matter of an application under Articles 226 & 227 of the Constitution of India

Partha Sarathi Mishra & Ors. **Petitioners**
-Versus-

State of Odisha & Ors. **Opp. Parties**

Advocates appeared in this case:

For Petitioners : M/s. B.S. Tripathy (1), A. Tripathy & A. Sahoo, Advocates

For Opp. Parties: Mr. S.K. Jee,
Addl. Government Advocate

Mr. B.B. Mohanty (Intervenor)

CORAM:

THE HON'BLE MR. JUSTICE DIXIT KRISHNA SHRIPAD

J U D G M E N T

DECIDED ON: 18.08.2025

PER DIXIT KRISHNA SHRIPAD,J.

Petitioners are collectively knocking at the doors of Writ Court with the following prayers scripted in the writ petition:



“On the facts and in the circumstances stated above, your petitioners, therefore, pray that this Hon'ble Court be pleased to;

i) hold and declare that incorporation of Clause: (iv) i.e., "B.Ed. from any NCTE recognized institution" in the Resolution dt.30.09.2024 in Annexure-9 as one of the essential training qualification for the post of Hindi Teacher and also Corrigendum dated 13.12.2023 in Annexure-6 as arbitrary, unreasonable and violative of Articles-14 & 16 of the Constitution of India as it was/is intended to show undue favour to the candidates having general B.Ed. from any NCTE recognized Institute to compete with others for the post of Hindi Teacher affecting the rights of the petitioners and similarly situated candidates acquiring Training Qualifications for the post of Hindi Teacher in the manner as mentioned in Clause:3 (3) of Advertisement dt. 31.08.2024 in Annexure-9; and thereby

ii) quash the said impugned Clause (iv) in the Resolution dt.30.09.2024 in Annexure-9 prescribing an inconsequential Training Qualification for the post of Hindi Teacher namely "B.Ed. from any NCTE recognized Institute"; and

iii) direct the OP.No.1 to recall the Corrigendum in Annexure-6 and to issue Advertisement for appointment and selection of Hindi Teacher in Govt. Secondary School in the State in line with Resolution dt. 18.11.2020 in Annexure-4 read with Advertisement dated 31.08.2024 in Annexure-8.

iv) pass such other order(s) as deemed fit and proper in interest of justice and fair play;”

Their essential grievance, as emanating from the prayer column, is as to the prescription of a special qualification, in addition to the exiting three, for the post of Hindi Teacher.

2. Learned counsel for the petitioner vehemently argues that the prescription “B.Ed. from any NCTE recognized institution” pursuant



to impugned Resolution for the post of Hindi Teacher in terms of corrigendum dated 13.12.2023 is unreasonable, unjust & arbitrary and therefore, is violative of Articles 14 & 16 of the Constitution of India; all through for appointment of post in question in Government Secondary Schools the prescribed qualification was B.Ed. from NCTE recognized institutions along with one of the following training qualifications, namely,

- i) Hindi Sikshyan Parangat from Kendriya Hindi Sansthan, Agra.
- ii. B.H.Ed., a course prescribed by NCTE, from a recognized University/Institution.
- iii. B.Ed in Hindi, a course prescribed by NCTE, from Dakhin Bharat Hindi Prachar Sabha, Madras.”

That being the position, the new addition would prejudice the interest of candidates like petitioners, and that the same is intended to exclude them from being in the fray of recruitment, only to unduly favour others having the said qualification.

3. Learned advocates appearing for the OPs/intending intervenors resist the petition making submission in justification of the prescription of additional qualification contending that what



should be prescribed as qualification is essentially in the domain of employer and that the aspiring candidates cannot dictate terms to the employer in matters like this. He also highlights the circumstances in which this additional qualification is prescribed.

4. Having heard learned counsel for the parties and having perused the petition papers, this Court declines indulgence in the matter for the following reasons:

4.1. Earlier, there were certain qualifications, which, in the opinion of the competent authorities, were sufficient for the appointment to the post of Hindi Teacher in the schools in question. In the modern days, additional qualifications are being prescribed in all sectors of employment, *inter alia*, regard being had to the advancement of science & technology and other allied branches of knowledge. It hardly needs to be stated that the job market being huge, the employer intends to choose best of the candidates, as consumers would do with the commodities. It is open to the employer to limit the zone of consideration, in this process, and one such measure is to prescribe additional or special qualification. Added, this additional qualification aligns with the ones already prescribed. It is



not that it is alien to the job in question. Therefore, the argument of arbitrariness/unreasonableness is not impressive.

4.2. A host of factors enters the fray of recruitment process. Competent authorities in the light of accumulated experience & wisdom take a call in the matter of prescribing qualifications or altering the existing prescriptions. Such a course, as of necessity, avails to the authorities, and that a Writ Court cannot run a race of opinions with the Executive. As a coordinate organ of the State, it has to respect decisions of the other organs subject to all just exceptions into which argued case of the petitioners does not fit. Learned Authors like late Justice Rama Jois in his “Services under the State” & Mr. Samaraditya Pal on “Law Relating to Public Service” are of the opinion that ordinarily it is for the employer to prescribe the qualifications for employment, vide *V.K. Sood v. Secretary, Civil Aviation*, AIR 1993 SC 2285 & *Dipti Samaddar v. Steel Authority of India Limited*, (1996) 5 SLR 117. A very strong case has to be made out for faltering the qualifications that are prescribed for job seekers. No such case is made out by the petitioners.



4.3. The contention that the impugned qualification is superfluous or that it is not required for the post in question, cannot lie in the mouth of prospective candidates, who do not possess the requisite qualification progressively prescribed by the State Authorities. The best way for these candidates would be to acquire the additional qualification so that they can be in the next recruitment process. Of course, they can make a representation to the concerned seeking age relaxation, should any of them become age barred by the time they acquire this additional qualification. In such a circumstance, ours being a constitutionally ordained Model Government, would consider the same favourably, of course keeping in view all relevant parameters.

4.4. The last contention that the prescription of additional qualification is not bona fide but is intended to unlawfully favour those having such a qualification, is bit difficult to countenance. Higher the qualification, higher the job prospects, is not repugnant to the mores of any civilized jurisdictions. Pleadings in relation to this allegation are also frugal and absolutely no evidentiary material,



demonstrating the ‘unlawful favours’ shown to others, is produced.

‘Good’ is no good, when better is available.

In the above circumstances, the writ petition being devoid of merits is liable to be and accordingly dismissed, costs having been made easy.

Dixit Krishna Shripad
Judge

Orissa High Court, Cuttack
The 18th day of August, 2025/Prasant

Signature Not Verified

Digitally Signed
Signed by: PRASANT KUMAR SAHOO
Reason: Authentication
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