

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 136/2015

Amarjeet Singh Rathore S/o Sh. Raghuveer Singh, aged about 34 years, resident of 59, Gulshan Nagar, Ramura Road, Udaipur (Raj.).

-----Petitioner

Versus

1. State of Rajasthan, through the Secretary to the government Department of Rural Development & Panchayati Raj Secretariat, Jaipur.
2. Jila Parishad, Jodhur, through its Chief Executive Officer.

-----Respondent

Connected with

S.B. Civil Writ Petition No.2282/2015

Surya Prakash Upadhyay S/o Sh. Shanti Lal Sharma, aged 27 years, B/c Brahmin, R/o 1/A/34 Housing Board, Gandhi Nagar, Chittorgarh (Raj.).

-----Petitioner

Versus

1. State of Rajasthan through the Secretary Department of Education, Government of Rajasthan, Jaipur Rajasthan.
2. The Board of Secondary Education, Ajmer, through its Coordinator, Rajasthan Teacher Eligibility Test.
3. Zila Parishad through Chief Executive Officer, Rajasmand, Rajasthan.
4. Additional Examination Controller Cum Chief Executive Officer, Zila Parishad, Rajasmand, Rajasthan.

---Respondents

For Petitioner(s) : Mr. Divik Mathur.

For Respondent(s) : Mr. Kuldeep Solanki.

HON'BLE DR. JUSTICE NUPUR BHATI

Order

05/05/2026

1. None is present for the petitioner in S.B. Civil Writ Petition No.2282/2015, even in the second round.

2. These writ petitions have been filed by the petitioners with the following prayers:

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- “(i) By an appropriate writ, order or direction the condition no. 7 (1) (ख) and (2) (ख) of the advertisement dated 11.08.2013 (Annexure-1) issued by respondent no. 2, may kindly be declared illegal and be quashed and set aside, to the extent it does not recognize the certificate of Teacher Eligibility Test (TET) conducted by the central government, and
- (ii) That further the respondents may kindly be directed to consider the certificate of TET conducted by the central government as a qualification under the advertisement dated 11.08.2013, and to consider the certificate of CTET of the petitioner (Annexure6), for the purpose of selection process and to grant him appropriate marks for the same, and
- (iii) That further the respondents may be directed to place the petitioner in the merit list after granting him the appropriate marks, and to give him appointment on the post of teacher grade III (Level ii) under the advertisement dated 11.08.2013.
- (iv) Any other appropriate writ order or direction, which this Hon'ble Court deems fit and proper in the facts and circumstances of the case, may kindly be passed in the favour of the petitioner.
- (v) Cost of the writ petition may kindly be awarded to the petitioner.”

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A/ By an appropriate writ order or direction, the respondents may kindly be directed to permit the petitioner to participate in the recruitment by taking into consideration his CTET qualification.

B/ By an appropriate writ order or direction, the respondents may kindly be directed to grant relaxation to the petitioner in qualification for clearing RTET in pursuance of the Section 23(2) of the Act of 2009.

C/ By an appropriate writ order or direction, the respondents may kindly be directed to consider the candidature of the petitioner for the post of Teacher Grade-III (Level-II) and afford him appointment if otherwise they stand in merit.

D/ Any other appropriate writ, order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.

Writ petition filed by the petitioner may kindly be allowed with
E/ costs.”

2. Brief facts of the case are that the respondent - Zila Parishad, Jodhpur issued an advertisement (Annex.1) for filling up the posts of Teacher Grade III, Level-I and Level-II, pursuant to which the petitioner, being eligible, applied for the post of Teacher Grade III (Level-II) (Classes VI to VIII) in the subject of Social Studies. The petitioner was issued an admit card and allotted Roll No.31255007, and upon appearing in the examination, secured 136.82 marks as per the declared result. However, the respondents, in the advertisement, recognized only the qualification of Rajasthan Teacher Eligibility Test (RTET) and failed to consider the petitioner's qualification of Central Teacher Eligibility Test (CTET), which is equivalent in nature. The petitioner approached the office of respondent No.2 to submit his CTET certificate, but the same was refused to be accepted, and being aggrieved thereby, the petitioner has preferred the present writ petition.

3. Learned counsel for the respondents submits that the respondents have erred in not considering the qualification of Central Teacher Eligibility Test ("CTET") acquired by the petitioners for the purpose of appointment to the post of Teacher. It is contended that, as per the advertisement, the prescribed qualification is Rajasthan Teacher Eligibility Test ("RTET"); however, the petitioner's qualification of CTET, which is at par with RTET, has not been taken into consideration.

4. Learned counsel for the respondents further submits that, at the outset, the issue involved in the present writ petitions is squarely covered by the order dated 31.05.2012 passed by a

Coordinate Bench of this Court at Jaipur, in the case of **Aarti Bai Vs. State of Rajasthan & Ors.: SBCWP No. 6060/2012 & other connected matters**, wherein the Coordinate Bench, while adjudicating an identical issue, dismissed the writ petitions.

5. The relevant part of the order dated 31.05.2012 is reproduced hereunder:

“Sub-clause (C) of para 10 has not been referred by the petitioners as it does not apply to government schools but applies to unaided schools not receiving grant in aid. If guidelines referred to above is looked into, discretion to allow CTET as a qualification lies only in two circumstances. (1) If the State Government takes a decision not to hold TET and (2) in case of first eventuality above, a decision is taken to consider CTET. In the present case, both the grounds are missing so as to apply clause 10(b) of the Guidelines issued by the NCTE on 11th February, 2011.

Apart from discussion made above, fact further remains that guidelines cannot be override statutory provisions.

The Notification dated 29.07.2011 requires passing out TET conducted by the appropriate Government and as the definition of appropriate Government has already been referred and in the instant case, it is being the State of Rajasthan. According to the provision, one is qualified for the post of teacher in the State of Rajasthan if a candidate has passed out RTET. A candidate passed out CTET conducted by Central Government cannot be considered eligible in violation of the Gazette Notification issued by the NCTE on 29.07.2011, which has not even has been challenged, rather a challenge to the aforesaid can be made before the Division Bench only.

The issue is further required to be focused in reference to the amendment in Panchayat Rules, 1996. Rule 266 of Rules of 1996 has been amended vide Gazette Notification dated 11.05.2011 and as per aforesaid rule, one should be in possession of required qualification as prescribed by NCTE under Section 23(1) of the Act of 2009. The NCTE has provided required qualification by first issuing the Notification on 23.08.2010 followed by amendment on 29.07.2011. The Notification dated 29.07.2011 requires TET

conducted by appropriate Government, which in the present matters is State Government of Rajasthan, thus a candidate not in possession of RTET cannot be said to be eligible for selection to the post of Teacher Gr.III at Level – I and Level – II. In fact holding them to be eligible would be in violation of the statutory provisions.

In the light of the discussion made above, I do not find any merit in the writ petitions, hence, the same are dismissed so as the stay applications.”

6. Learned counsel for the petitioner is not in a position to refute that the issue involved in the present writ petitions is squarely covered by Aarti Bai (supra).

7. In view of the submissions made, the present writ petitions are also dismissed in the same terms as in the case of Aarti Bai (supra).

(DR.NUPUR BHATI),J