

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D. B. Civil Writ Petition No. 19512/2024

Hitesh Kumar Sharma & Others.

-----Petitioners

Versus

The State of Rajasthan & Others.

-----Respondents

For Petitioner	:	Mr. Raghunandan Sharma Advocate with Mr. Abhinav Shrivastava Advocate and Ms. Kritika Rajawat Advocate.
For Respondents No. 1 and 2	:	Mr. B.S. Chhaba Additional Advocate General with Mr. Avinash Choudhary Advocate and Mr. Ramdhan Advocate.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE UMA SHANKER VYAS

Order

10/01/2025

Heard.

This petition is admitted for hearing.

Issue notice.

Mr. B.S. Chhaba, learned Additional Advocate General enters appearance and takes notice on behalf of Respondent No. 1 and 2. His name be shown in the Cause List as counsel for Respondent No. 1 and 2.

Four weeks' time is granted to learned Additional Advocate General to file reply.

Notice may now be issued to Respondents No. 3 to 6 on payment of P.F. within three days, returnable within two weeks.

Heard on prayer for interim relief also.

Submission of learned counsel for the petitioners is that the prescription of eligibility qualifications for appointment to the post of Teacher Grade-III, Level-II as substituted vide impugned notification dated 24.09.2024 suffers from manifest arbitrariness and is violative of Article 14 of the Constitution of India inasmuch as the qualifications as prescribed at Serial No. (iii), on its literal reading, disqualifies all those candidates who, in addition to being possessed of other minimum qualifications as prescribed therein, are also having B.Ed. (General) with Diploma in Special Education from an institute recognised by the Rehabilitation Council of India.

Learned Additional Advocate General would submit that the writ petition is based on incorrect understanding and interpretation of the qualifications as prescribed under notification dated 24.09.2024. He would submit that a candidate who is otherwise possessed of the qualifications laid down by National Council for Teachers Education under the provisions of Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, would be eligible for REET Examination also.

In view of the submissions made by learned counsel for the parties, we are inclined to pass following interim order:

(i) If the petitioners, in addition to other eligibility qualifications, are possessed of B.Ed.(General) and Diploma in Special Education from an institute recognised by the Rehabilitation Council of India, their candidature shall not be rejected on the ground that they are not possessed of B.Ed. (Special Education).

(ii) Recruiting Agency shall make necessary arrangements for acceptance of online application forms of the petitioners in accordance with this interim order.

(iii) Participation of the petitioners shall, however, be subject to final outcome of this petition.

List this matter after four weeks.

(UMA SHANKER VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ