

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
I.A. NO.2  
IN  
CIVIL APPEAL NO. 10859 OF 2010

RAM RATAN CHATURVEDI & ORS.

Appellant (s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(Appln(s) for directions and office report)

Date: 19/08/2011  
today.

This Application was called on for hearing

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

Mr. Sunil Gupta, Sr. Adv.  
Mr. Vivek Vishnoi, Adv.  
Mr. Tanmay Agarwal, Adv.  
Mr. Yash Pal Dhingra, Adv.

For Respondent(s)

UPPSC

Mr. Shail Kumar Dwivedi, AAG  
Mr. Ashutosh K. Sharma, Adv.  
Mr. Abhinav Shrivastava, Adv.

State of UP

Mr. Shrish Kumar Misra, Adv.  
Mr. Ravindera Kr. Verma, Adv.

UPON hearing counsel the Court made the following  
O R D E R

I.A. No. 2 in C.A. No. 10859/2010

We have heard learned counsel for the appellants as well as for the U.P. Public Service Commission.

The main contention of Mr. Sunil Gupta, learned Senior Counsel appearing for the appellants is that without advertising the posts ...2/-

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of Senior Lecturer, District Institute of Education and Training (DIET), the Commission is trying to fill up these posts in terms of the impugned notification dated 19th July, 2011.

Learned Counsel submits that in the advertisement issued by the Public Service Commission, Uttar Pradesh on 1st January, 2011, minimum educational qualification prescribed for filling up approximately 100 different posts in the State, is Bachelor's degree or its equivalent from any recognized University, which clearly shows that the said advertisement cannot be in relation to the post of a Senior Lecturer, as the minimum educational qualification for the said post is Masters' degree along with B.Ed. Learned counsel thus asserts that notification dated 19th July, 2011, if it includes the post of Senior Lecturer, is per se illegal.

Learned counsel appearing for the U.P. Public Service Commission, on the other hand, submits that since the said advertisement postulates that the candidates with higher educational qualification should also incorporate this fact in the applications, those candidates who possess Masters' degree can be considered for appointment to the post of a Senior Lecturer.

...3/-

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We are unable to persuade ourselves to agree with learned counsel for the U.P. Public Service Commission. It is manifest from the said advertisement issued for Combined State/Upper Subordinate Services Examination, 2011, that the selections in terms of the said advertisement are for those posts where the minimum educational qualification is a Bachelor's degree and not for the posts where the mandatory minimum educational qualification is Masters' degree. Obviously, a

person applying for a lower post cannot be appointed to a higher post merely because he holds a degree higher than the minimum educational qualification.

In that view of the matter, we stay the operation of Notification dated 19th July, 2011, to the extent that no post of a Senior Lecturer, District Institute of Education and Training (DIET) shall be filled up under advertisement dated 1st January, 2011.

I.A. No.2 stands disposed of accordingly.  
(VINOD LAKHINA) (KUSUM GULATI)  
Court Master Court Master