

## IN THE SUPREME COURT OF INDIA

## CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.2899 OF 2014  
(Arising out of SLP(C)No.10799 OF 2007)

RAMJAN ALI

.....APPELLANT

VERSUS

STATE OF WEST BENGAL &amp; ORS.

.....RESPONDENTS

O R D E R

Leave granted.

The appellant having enrolled himself with the University of Calcutta during the academic session 1983-84, passed the B.A.(II Year Pass) having taken a subject combination of Political Science, Bengali and Philosophy. His result, which is available on the record of this case, depicts that he obtained 373 marks out of a maximum of 900 marks.

A few years latter, he enrolled himself again with the University of Calcutta, under the "Two-Year B.A.(New Degree Course) Examination". His instant enrolment was for acquiring an additional qualification in the subject of Arabic. He was declared successful by the University of Calcutta, in the subject of Arabic, having been granted 132 marks out of a maximum of 300 marks, in 1989.

Having possessed of the aforesaid qualifications, he applied (in response to an advertisement issued by the respondent) for appointment against the post of Assistant Teacher, in the subject of Arabic. Even though, in the process of evaluating his merit, he was selected by the respondent, he was not appointed as he was found ineligible, on account of the fact that he had qualified the Arabic subject not as a "combination subject" but as an "additional subject". The objection raised against the appellant for appointment as an Assistant Teacher in Arabic was upheld by the High Court vide the impugned order dated 01.02.2007. A relevant extract of the impugned order, is being reproduced hereinbelow:

"It is true that the appellant/petitioner herein has studied the Arabic language in the University of Calcutta following the same syllabus like other regular students studying Arabic language as one of the combination subject in Graduation level and appeared at the same examination in the said Arabic subject for total 300 marks but even then it cannot be said that the appellant passed B.A. Examination in Arabic as combination subject which was specifically mentioned in the letter of prior permission issued by the District Inspector of Schools [SE] Murshidabad as the requisite qualification for the post of Assistant Teacher in the school concerned. Furthermore, pursuant to the Government Order dated 13th March, 1992 appellant herein is also not entitled to be selected for the post of Assistant Teacher as he has studied Arabic language as an additional subject and passed Special B.A.Examination which cannot be treated as B.A. degree with Arabic as combination subject.

There is no doubt that the selection of Assistant Teachers in any recognized high or junior high schools should be made

only from amongst those candidates who had studied the relevant language as a combination subject of at least 300 marks at the Graduation level pursuant to the specific Government Circular being Government Order No.276-Edn[S] dated 13th March, 1992 and the appellant/petitioner herein, therefore, cannot be considered for appointment to the post of Assistant Teacher for want of the requisite qualification as mentioned in the letter of prior permission dated 1st March, 1996 issued by the District Inspector of Schools [SE], Murshidabad and also in the specific Government Order bearing No.276-Edn[S] dated 13th March, 1992."

The solitary question which arises for consideration in the instant petition is whether the appellant before this Court was eligible for appointment as Assistant Teacher, on the basis of having qualified the "additional subject" of Arabic in 1989, which was admittedly not a qualification acquired by him as a "combination subject".

Insofar as the instant aspect of the matter is concerned, the respondents have placed reliance on the Government Order dated 13.03.1992, relevant portion of which is extracted hereinbelow:

"The entire matter has, therefore, been reviewed and the State Government in the Education Deptt. has decided that henceforth selection of Assistant Teachers in any language subject in recognised High and Junior High Schools should be made only from amongst those candidates who had studied the relevant language as a combination subject of at least three hundred marks at the Graduation level. A candidate having studied a language as an additional subject of less than three hundred marks shall not be deemed eligible for appointment as a language teacher."

It is the submission of the learned counsel for the respondents that on account of having qualified the "additional subject" of Arabic, the appellant could not be deemed to be eligible for appointment against the post of Assistant Teacher in the subject of Arabic.

Having perused the Government Order reproduced hereinabove, there can be no doubt, that a candidate who has qualified the subject as a "combination subject" becomes eligible for appointment in the said subject. Insofar as a qualification acquired as an "additional subject" is concerned, a candidate having studied a subject as an "additional subject" wherein the maximum marks are less than three hundred marks, shall not be deemed eligible for appointment as a language teacher. Having perused the 1989 Certificate, placed on the record of this case, we are satisfied that the appellant has qualified the subject of Arabic, as an "additional subject" with 300 marks as the maximum marks. Furthermore, the curriculum syllabus pursued by the appellant for the subject of Arabic, was the same as the one, which a candidate would have pursued as a "combination subject" at the graduation level.

In the above view of the matter, the appellant most definitely possessed all the educational qualifications, prescribed for eligibility for appointment against the post of Assistant Teacher in the subject of Arabic.

In view of the above, the impugned order passed by the High Court is set aside. The respondents are directed to appoint the appellant against the post of Assistant Teacher in Arabic forthwith. The appointment of the appellant shall relate back to the date of appointment of Assistant Teachers out of the selection process in which the appellant had participated. He will, however, be entitled to wages only with effect from the date of the passing of the instant order.

The instant appeal is disposed of in the above terms.

.....J.  
(JAGDISH SINGH KHEHAR)

.....J.

(M.Y.

EQBAL)

NEW DELHI;  
FEBRUARY 26, 2014.

ITEM NO.1 COURT NO.14 SECTION XVI

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10799/2007

(From the judgement and order dated 01/02/2007 in FMA No.124/2003 of The  
HIGH COURT OF CALCUTTA)

RAMJAN ALI Petitioner(s)

VERSUS

STATE OF WEST BENGAL & ORS. Respondent(s)

(With appln(s) for permission to file additional documents and with prayer  
for interim relief and office report)  
(For final disposal)

Date: 26/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR  
HON'BLE MR. JUSTICE M.Y. EQBAL

For Petitioner(s)            Mr.Ranjan Mukherjee, Adv.  
                                 Mr. Rauf Rahim, Adv.  
                                 Mr.S.Bhowmick, Adv.  
                                 Mr.Yadunandan Bansal, Adv.

For Respondent(s)        Mr. Anip Sachthey, Adv.  
                                 Ms.Shagun Matta, Adv.

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

Leave granted.

The instant appeal is disposed of in terms of the signed order.

(Satish K.Yadav)  
Court Master

(Phoolan Wati Arora)  
Assistant Registrar

( Signed order is placed on the file )