

ITEM NO.301

COURT NO.7

SECTION XIIA

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

I.A. Nos. 10 & 11 in CIVIL APPEAL NO. 7479 OF 2009

IRRIGINENI VENKATA KRISHNA & ORS.

Appellant (s)/  
Applicant (s)

VERSUS

GOVT.OF A.P. & ANR.

Respondent(s)

(for directions and office report)

Date: 25/04/2012 These IAs were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s)/  
Applicant(s) Mr. A.K. Ganguli, Sr. Adv.  
Mr. P. Venkat Reddy, Adv.  
Mr. Chaitanya Safaya, Adv.  
Mr. Debesh Panda, Adv.  
Ms. Barnali Basak, Adv.  
Mr. Anil Kumar Tandale, Adv.

For Respondent(s) Mr. Jaideep Gupta, Sr. Adv.  
Mr. G.N.Reddy, Adv.  
Mr. C. Kannan, Adv.  
Mr. Ravi Shankar, Adv.

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

We have heard Mr. A.K. Ganguli, learned senior  
counsel for the applicants/appellants, and Mr. Jaideep  
Gupta, learned senior counsel for respondent No. 1 -

Government of Andhra Pradesh.

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Mr. Jaideep Gupta, learned senior counsel  
respondent No. 1 - Government of Andhra Pradesh,  
during the course of arguments, brought to our notice  
the Notification dated August 23, 2010 issued by the  
National Council for Teacher Education (for short,  
'NCTE') whereby in exercise of the powers conferred by

sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (for short, 'RTE Act') whereunder pursuant to the Notification dated March 31, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the NCTE has laid down minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII in a school referred to in clause (n) of Section 2 of the RTE Act.

Para 2 of the Notification dated August 23, 2010, inter alia, prescribes minimum qualifications for class I-V as follows :-

"(a) Senior Secondary (or its equivalent) with at least 50% marks and 2 year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2 year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE

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(Recognition Norms and Procedure), Regulations 2002.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4 year Bachelor of Elementary Education (B.El.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2 year Diploma in Education (Special Education)

AND

(b) Pass in the Teacher Eligibility Text (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose."

xx xx xx xx xx xx "

Mr. Jaideep Gupta, learned senior counsel, also invited our attention to the Notification dated January 30, 2012 for Recruitment of Teachers - 2012 issued by the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad.

We observe that recruitment of teachers under the Notification dated January 30, 2012 issued by the Commissioner and Director of School Education, Andhra Pradesh, Hyderabad may be made as per the minimum qualifications prescribed by the Notification dated August 23, 2010 issued by NCTE as quoted above subject to the final decision in the Civil Appeal.

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Interlocutory Application Nos. 10 and 11 stand disposed of as above.

(Rajesh Dham)  
Court Master

(Renu Diwan)  
Court Master