



2025:AHJ:223820

AFR



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17615 of 2025

Km. Dimple Singh and 12 others

.....Petitioner(s)

Versus

State of Uttar Pradesh and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	: C.S.C.

WITH

WRIT - A No. - 18573 of 2025

Mukesh Kumar and 2 others

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Chandan Kumar Chaturvedi
Counsel for Respondent(s)	: C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Mr. Abhishek Srivastava, learned Chief Standing Counsel has filed Short Counter Affidavit, which is taken on record. Learned counsel for the petitioners does not propose to file rejoinder affidavit to the said short counter affidavit.

2. There are thirteen petitioners in Writ-A No. 17615 of 2025 and three petitioners in Writ-A No. 18573 of 2025. Controversy involved in both the writ petitions is similar, hence, they are being decided by this common judgement.

3. The petitioners have approached this court with a prayer to quash the prescribed format of the experience certificate, contained in Appendix-3 to the Circular dated 03.11.2025, insofar as it insists upon experience as Assistant Teacher/ Headmaster, and further to treat the petitioners as fully eligible in terms of notification dated 04.12.2019 permitting them to participate in the remaining process of selection.

4. Placing the facts of the case, learned counsel for the petitioners submits that the Parliament enacted the Right of Children to Free and Compulsory Education Act, 2009¹ (Parliamentary Act No. 35 of 2009), making provisions for free and compulsory education for all children up to the age of 14 years. For the implementation of the said Act, a Government Order dated 31.01.2013 was issued. Pursuant thereto, the District Basic Education Officers of the concerned districts published an advertisement inviting applications from eligible candidates for appointment as Part Time Instructors. Being eligible for the said posts, the petitioners applied and were appointed as part-time Instructors in view of the Schedule-1(b)(3)(ii) of Section 19 of the Act of 2009, wherein part-time instructors for teaching Art Education, Health and Physical Education and Work Education were to be appointed for teaching Classes 6 to 8 in schools having more than 100 students.

5. The details of initial appointment of the petitioners in Writ-A No. 17615 of 2025, as part-time instructors, are: petitioner nos. 1 and 8 were granted appointment in District Sultanpur, petitioner no. 02 in District Bhadohi, petitioner nos. 3 and 4 in District Basti, petitioner no. 5 in District Varanasi, petitioner no. 6 in District Muzaffarnagar, petitioner no. 7 in District Barabanki, petitioner no. 9 in District Kaushambi, petitioner no. 10 in District Kushinagar, petitioner no. 11 in District Meerut, petitioner no. 12 in District Jaunpur and petitioner

¹ The RTE Act, 2009

no. 13 was offered appointment in District Saharanpur. The appointment letters were issued to them on different dates in the months of June, July and September, 2013, pursuant to which the petitioners joined their respective places of postings. The petitioner nos. 1, 3 and 8 were appointed in the subject of Work Education, while others (petitioner nos. 2, 4, 5, 6, 7, 9, 10, 11, 12 & 13) were granted appointment in Art Education.

6. The petitioners in Writ-A No. 18573 of 2025 were granted appointment in the subject of Art Education. Appointment letters to petitioner nos. 1 & 2 were issued on 23.02.2013 and order of appointment was issued to petitioner no. 3 on 25.02.2013.

7. As the appointment of the petitioners was in accordance with the stipulations contained in the Government Order dated 31.01.2013 for a period of 11 months, annual extension was granted to each of them and accordingly extension orders in respect to each petitioner were issued for every year succeeding 2013-14. Since then the work and conduct of the petitioners have been satisfactory and there was no complaint against them. Although the petitioners were treated as part time instructors but they discharged full time duties in their respective schools. Apart from teaching the subject for which they were appointed, they were also required to teach other subjects to the students.

8. Furthermore, in addition to teaching, the petitioners were also required to discharge other duties pertaining to elections as booth level officers/ polling officers, duties relating to different categories of surveys conducted under various Government Orders as well as duties with regard to Summer Camp for the students.

9. The petitioners were paid salary for 11 months every year. The salary for 15 days for the month of December and 15 days salary for

June stood deducted. They were paid monthly emoluments of Rs. 7,000/- which were subsequently increased to Rs. 9,000/- per month. Accordingly, the petitioners, who were appointed as part-time instructors since the year 2013 and are continuing till date, their services have been renewed after a period of every 11 months as stipulated in the Government Order dated 31.01.2013.

10. The recruitment of teachers and headmasters is governed by the provisions of the U.P. Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers), Rules 1978² as amended on 04.12.2019³. By the said amendment, Rule-10 has been substituted and as per the amended Rule-10, the Management of each institution is required to intimate the number of vacancies to the Director of Education (Basic), who is required to issue an advertisement in at least two leading/ widely circulated daily newspapers, inviting online applications from the candidates possessing the prescribed educational and trainings qualification. The selection process requires a recruitment examination to be conducted by the authority, as may be specified by the State Government, on the basis of which the result is prepared and the same is sent by the Director of Education (Basic) to the Basic Education Officer after allotment of district/ school for appointment.

11. Pursuant to the aforesaid provisions, the State Government issued an order dated 19.02.2021, notifying the Junior High School Headmaster/ Assistant Teacher Recruitment Examination, 2021. As per Clause-2 of the said Government Order, the Examination Regulatory Authority, U.P., Prayagraj was specified as the examination body and the procedure for the examination was also specified. Pursuant to the said Government Order, an advertisement

² The Rules, 1978

³ The Rules, 2019 [Uttar Pradesh Recognised Basic Schools (Junior High Schools) (Recruitment and Conditions of Service of Teachers) (Seventh Amendment), Rules 2019]

was issued by the Examination Regulatory Authority, inviting applications from eligible candidates. The petitioners also applied for the posts of Assistant Teacher as well as Headmaster and participated in the written examination held on 17.10.2021. The result of the written examination was declared on 15.11.2021, wherein all the petitioners qualified for being appointed on the post of Headmaster.

12. Due to some litigation, a revised result was published on 06.09.2022, wherein also all the petitioners were shown as qualified in the written examination. Thereafter, the petitioners awaited the finalization of the selection proceedings. On 03.11.2025, the Director of Education (Basic) proceeded to issue a circular letter notifying the schedule for completion of the remaining steps in the procedure for selection, according to which all candidates, declared successful in the written examination, were required to fill up online application forms between 15.11.2025 to 05.12.2025 and were also required to upload the documents specified in the circular. One of the documents required for uploading was an experience certificate certified by the Basic Shiksha Adhikari in the prescribed format contained in Appendix-3 of the circular dated 03.11.2025.

13. The format specified in the Appendix-3 requires certificate of experience on the post of Assistant Teacher. The petitioners are aggrieved by the specification of the requirement of experience as Assistant Teacher / Head Master as specified in the format for experience certificate as the same is in conflict with the eligibility prescribed under the Rules, 1978, as originally existing and as per the amended Rules 2019.

14. Rule-4 of the Rules, 1978, as amended in the year 2019, specifies the minimum qualification for the post of Headmaster, which requires five years of teaching experience in a recognized Junior High School or Senior Basic School run by the U.P. Basic Education Board.

Each petitioner possesses teaching experience as envisaged under Rule-4, however, the impugned circular has been issued specifying teaching experience to be possessed in the capacity of Assistant Teacher/ Head Master, which is not envisaged under the Rules, 1978, as amended in the year 2019.

15. Learned Counsel for the petitioners contends that the condition contained in the impugned circular requires experience in the capacity of Assistant Teacher// Head Master though it is not envisaged under Clause-4 of the Government Order dated 19.02.2021. There exists no rational justification for incorporating a further condition of experience having been required in the capacity of Assistant Teacher/ Head Master by prescribing a format in which the experience certificate is required to be submitted as per Rule-4 of the Rules, 1978, as amended in the year 2019, as well as Clause 4 of the Government Order dated 19.02.2021.

16. Learned Counsel for the petitioners further contends that incorporating additional condition by specifying a format of experience certificate notified in the circular dated 03.11.2025 amounts to a change in the rules of the game in the midst of the selection proceedings, for which there exists neither any rational justification nor any authority of law.

17. Placing reliance on a judgement of a Coordinate Bench of this Court in the case of **Sadanand Singh v. State of U.P. Thru Secy & Ors.**⁴, learned counsel for the petitioners submits that the claim of the petitioners cannot be excluded *en masse* in absence of any specific stipulation as to teaching experience being in the capacity of Assistant Teacher. Placing reliance on another judgement of a Coordinate Bench of this Court dated 15.07.2010 passed in the case of **Dr. Deepak**

4 Writ-A No. 6419 of 2013, Decided on 10.12.2018

Bhatiya & Others v. State of U.P. & Others⁵, learned counsel for the petitioners contends that part time instructors (petitioners) cannot be excluded *en masse* only on the basis of not possessing teaching experience as Assistant Teacher as per the prescribed qualification i.e., only five years teaching experience which requires no specification, being that of possessing experience as an Assistant Teacher.

18. Learned counsel for the petitioners further submits that the specification of requirement of experience as an Assistant Teacher in the required format, is an administrative direction which has been supplemented in an arbitrary manner, wrongly interpreting Rule-4 of the Rules, 1978, as amended in the year 2019.

19. Mr. Abhishek Srivastava, learned Chief Standing Counsel assisted by Sri Shailendra Singh, learned counsel for the State submits that the person to be appointed as Teacher in a Primary/Upper Primary School must possess the minimum qualifications as per the provisions of notification of the NCTE dated 23.08.2010, as amended on 29.07.2011. He further submits that the said qualifications have also been incorporated in the U.P. Basic Education (Teachers) Services Rules, 1981 and U.P. Recognised Basic Schools (Junior High Schools) (Recruitment And Conditions of Service of Teachers) Rules, 1978.

20. It has further been contended by learned Chief Standing Counsel that under the Schedule to the RTE Act, 2009, the post of Teacher is distinct from that of Instructor. For Classes 1st to 5th in the said Schedule, there is no requirement for appointment of any part-time instructor. On the other hand, for Classes 6th to 8th where the number of students in a school is less than 100, there is likewise no requirement for appointment of any part time instructor and in Junior High Schools where the number of students exceeds 100, apart from a full time head teacher, Part Time Instructors for the subjects of Art

5 Writ-A No. 2842 of 2010

Education, Health and Physical Education and Work Education are to be appointed, therefore, Part Time Instructors constitutes a separate category of posts which is clearly distinct from the post of a Teacher and even a part time instructor has not been recognised as a Teacher under the provisions of the RTE Act, 2009.

21. He next contends that the appointment of the part time instructors in the State of U.P. was made on a contractual basis in terms of the Government order dated 31.01.2013, wherein Clause 1(7) of the said Government Order prescribes the minimum educational qualifications for appointment on the post of Part Time Instructor, namely, High School, Intermediate, Graduation and a Professional Degree/Diploma in the related subject. The said qualifications are entirely different from the qualifications which is required for appointment on the post of Teacher for which a two-year Diploma in Elementary Education known as B.T.C. along with T.E.T. Certificate are mandatory, while for appointment on the post of Part Time Instructor, the candidate was not required to possess the said minimum qualifications, thus, a part-time instructor is entirely different from a Teacher and also lacks the minimum qualifications for being appointed as Assistant Teacher/ Headmaster, therefore, the work experience as a part-time instructor cannot be counted equivalent to the teaching experience of an Teacher appointed under the provisions of RTE Act, 2009. Even the duties of Teachers as defined under Section 24 of the RTE Act, 2009 are entirely different from those of a part time instructor, hence by no stretch of imagination, it can be said that the part time instructors were working at par with that of teacher.

22. It is further contended by learned counsel for the State that circular dated 3.11.2025 and the format provided therein which has been prescribed by the authority is in consonance with Rule 4(2) of Rule, 1978 (Seventh Amendment) Rules, 2019 and there is no conflict

between them. Since the part-time instructors were not appointed against the post of teachers, therefore, they cannot take any benefit of their work discharged as part-time instructors for being appointed to the post of Headmaster as regards the teaching experience of minimum five years is required as per the Rule 4(2) of the Rules, 1978 (Seventh Amendment) Rules, 2019.

23. Learned counsel for the respondents contends that a Division Bench of this Court in **Civil Misc. Writ Petition (A) No. 64307 of 2015⁶**, by judgment and order dated 12.09.2025 has observed that when Rules contemplate teaching experience for a specified period, it means that experience must be in a post held for full time. The operative portion of the said order is as under:

"**40.** As a Guest Lecturer, petitioner was required to attend assigned lectures. For each lecture prescribed amount was payable. As per G.O. dated 4.7.1998, Rs. 150/- per lecture was payable, subject to maximum payment of Rs. 3000/- per month. Meaning thereby, no person could have been engaged to deliver more than 20 lectures in a month. Petitioner actually delivered 1307 lectures in a period of about 6 years i.e. about 18 lectures per month were delivered by him. It is not pleaded anywhere in the entire writ petition that a Lecturer regularly appointed in a Medical College is supposed to deliver only 18 or 20 lectures in a month and not more than that. It is also not pleaded that teaching work of a regularly appointed "Lecturer" is confined only to deliver lectures and nothing more than that. When experience is talked in terms of "period", it cannot be equated with certain number of Lectures rendered in certain period for the reason that such an interpretation if accepted, even if a Guest Lecturer may have delivered or engaged for delivering one or two lectures in a month but has continued so engaged for a length of time, he can also claim to have gained requisite "Teaching Experience". This interpretation would be clearly a travesty and mockery to the purpose of which requirement of "Teaching Experience" has been provided. When Rules contemplate "Teaching Experience" of a particular period, it means that experience must be in a post held for full time. Experience acquired by rendering requisite "Teaching work" which a regular teacher is required to perform. It cannot be equated with occasional or fortuitous engagement of a person to deliver lectures otherwise it would also amount to treating unequals as equal. Moreover, requirement under advertisement is consistent with requirement of such "experience" under Regulations, 2013. We are inclined to give an interpretation in favour of the qualification advertised and not as contemplated by petitioner. Hence it cannot be said that petitioner has been wrongly held ineligible for

6 (Ram Darash Yadav Vs. State of U.P. & Others)

consideration for appointment to the post of Principle SHMC pursuant to advertisement under challenge."

24. The learned Chief Standing Counsel further contends that once the part-time instructors were not working on the posts of Teachers either part time or full time, therefore, any interpretation of expression 'teaching experience' as mentioned in Rule 4(2) of the Rules of 1978 would amount to treating unequals as equal and would be violative of Articles 14 and 16 of the Constitution of India.

25. I have heard Mr. Ashok Khare, learned Senior Advocate assisted by Mr. Siddharth Khare, Mr. Navneet Kumar Srivastava, learned Advocate holding brief of Mr. Chandan Kumar Chaturvedi, learned counsel for the petitioners, and Mr. Abhishek Srivastava, learned Chief Standing Counsel assisted by Mr. Shailendra Singh, learned Standing Counsel appearing for the State.

26. The petitioners claim to be considered for recruitment to the posts of Headmaster /Assistant Teacher in Junior High Schools notified by the Government order dated 19.02.2021, wherein it is stipulated that the selection/recruitment will be in accordance with Rule-10 of the Rules of 1978, as amended on 04.12.2019. The condition stipulated in the said Government order for the selection on the post of Headmaster requires five years teaching experience as an Assistant Teacher. Relevant part of the said Government order is being reproduced herein below:

“**प्रधानाध्यापक** प्रधानाध्यापक के पद पर चयन हेतु दो प्रश्न प्रश्न होंगे । प्रथम प्रश्न पत्र 150 अंकों का वही प्रश्न पत्र होगा जो सहायक अध्यापक हेतु निर्धारित प्रश्न पत्र होगा । उक्त प्रश्न पत्र सहायक अध्यापक/ प्रधानाध्यापक दोनों पदों हेतु अनिवार्य होगा क्योंकि सहायक अध्यापक के पदों पर चयन हेतु 05 वर्ष सहायक अध्यापक के रूप में अध्यापन अनुभव की अनिवार्यता है । अतः प्रधानाध्यापक के पद पर नियुक्त होने वाले अभ्यर्थियों को शिक्षा विभाग से सम्बन्धित विभिन्न अधिनियमों, नियमों, शासनादेशों, शिक्षा विभाग से सम्बन्धित गठित विभिन्न आयोगों/ समितियों एवं उनकी संस्तुतियों, शिक्षा नीतियों के सम्बन्ध में विभागीय कार्यक्रमों तथा योजनाओं एवं प्रबंधन के संदर्भ में भी ज्ञान होना अनिवार्य है ।...”

27. The Clause-4 of the impugned circular dated 03.11.2025 requires the candidates selected in the written examination to fill up application forms. Clause-4 of the circular is quoted below:

“4. अभ्यर्थी द्वारा जिस विषय में अशासकीय सहायता प्राप्त जूनियर हाईस्कूल सहायक अध्यापक चयन परीक्षा वर्ष – 2021 (संशोधित परीक्षा परीणाम दिनांक 06.09.2022) उत्तीर्ण की गयी है को केवल एक ही आवेदन पत्र भरना होगा ।

यदि किसी अभ्यर्थी द्वारा सहायक अध्यापक जूनियर हाईस्कूल चयन परीक्षा वर्ष 2021 में सहायक अध्यापक एवं प्रधानाध्यापक संशोधित परीक्षा परीणाम दिनांक 06.09.2022 द्वारा उत्तीर्ण की गयी है, को पृथक-पृथक सहायक अध्यापक एवं प्रधानाध्यापक का ऑनलाइन आवेदन पत्र भरना होगा ।”

28. The Clause-10 of the aforesaid circular prescribes eligibility for application, which reads thus:

“10-आवेदन हेतु पात्रता:

(i)-शैक्षिक/प्रशिक्षण अर्हता- उत्तर प्रदेश मान्यता प्राप्त बेसिक स्कूल (जूनियर हाईस्कूल) (अध्यापकों की भर्ती और सेवा की शर्तें) नियमावली-1978 (सातवां संशोधन) नियमावली-2019 में उल्लिखित न्यूनतम शैक्षिक अर्हता एवं प्रशिक्षण अर्हता नियम-4 के अनुसार होगी ।

29. Rule-4 of the Rules, 1978, as amended in 2019, mentions minimum qualification, which is as follows:

“4. Amendment of Rule 4.....

4. Minimum qualification --- (1) The minimum qualifications for the post of Assistant Teacher of a recognised Junior High School shall be a Graduation Degree from a recognised University by U.G.C. and a teachers training course recognized by the State Government or National Council for Teacher Education as follows---

Two year Diploma in Elementary Education (by whatever name called)

Or

Graduation with at least 50% marks and Bachelor of Education (B.Ed.)

Or

Basic Teaching Certificate (B.T.C.)

Or

Four year Degree in Elementary Education (B.El.Ed.)

Or

Four year B.A./B.Sc. Ed. or B.A. Ed./B.Sc.Ed.

Or

B.A./B.Sc. with at least 50% marks and 1 year B.Ed. (Special Education)

And

Teacher Eligibility Test (Upper Primary Level) passed conducted by the State Government or by the Government of India.

(2) The minimum qualification for the appointment to the post of Headmaster of a recognized schools shall be as follows---

(a) a graduation degree from a recognized University or an equivalent examination recognised as such;

(b) a teacher's training course recognised by the State Government or National Council for Teacher Education as follows---

Two year Diploma in Elementary Education (by whatever name called)

Or

Graduation with at least 50% marks and Bachelor of Education (B.Ed.)

Or

Basic Teaching Certificate (B.T.C.)

Or

Four year Degree in Elementary Education (B.El.Ed.)

Or

Four year B.A./B.Sc. Ed. or B.A. Ed./B.Sc. Ed.

Or

B.A.M.Sc. with at least 50% marks and 1 year B.Ed. (Special Education)

and

Teacher Eligibility Test (Upper Primary Level) passed conducted by the State Government or by the Government of India.

and

Five years teaching experience in a recognized Junior High School or Senior Basic School of Basic Education Board.”

30. For the appointment as a Teacher in Primary / Upper Primary School, a candidate must possess the minimum qualification as prescribed under the notification issued by the National Council for Teacher Education⁷ dated 23.08.2010, as amended on 29.07.2011. The said qualifications have also been incorporated in the Uttar Pradesh

Basic Education (Teachers) Service Rules, 1981 read with the Rules, 1978. As per the Schedule pertaining to Sections 19 and 25 of the RTE Act, 2009, the norms and standards for such schools are prescribed where part-time instructors are to be appointed, the same mentions as follows:

1. Number of teachers:	Norms and Standards	
(a) For first class to fifth class	Admitted children	Number of teachers
	Up to Sixty	Two
	Between sixty-one to ninety	Three
	Between Ninety-one to one hundred and twenty	Four
	Between One hundred and twenty-one to two hundred	Five
	Above One hundred and fifty children	Five plus one Headteacher
	Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.
(b) For sixth class to eighth class	(1) At least one teacher per class so that there shall be at least one teacher each for—	
	(i) Science and Mathematics;	
	(ii) Social Studies;	
	(iii) Languages.	
	(2) At least one teacher for every thirty-five children.	
	(3) Where admission of children is above one hundred—	
	(i) a full time head-teacher;	
	(ii) part time instructors for—	
	(A) Art Education;	
	(B) Health and Physical Education;	
	(C) Work Education.	

31. As per the afore-quoted Schedule of the RTE Act, 2009 no part time instructor is required for Classes 1 to 4 as well as for Classes 6 to 8, where the number of students is less than 100. It would be apt to refer the qualification for appointment of part time instructors as provided under Clause-3 of the Government Order dated 31.01.2013, which reads thus:

“3. अंशकालिक अनुदेशकों की शैक्षिक अर्हता—उपरोक्त तीनों विषयों के अंशकालिक अनुदेशकों की संविदा पर तैनाती हेतु शैक्षिक अर्हता निम्नवत् निर्धारित की गई है—

(अ) शैक्षिक अर्हता—कला शिक्षा (Art Education)---

कला शिक्षा हेतु अंशकालिक अनुदेशकों की शैक्षिक अर्हता निम्नवत् होगी—

इण्टरमीडिएट कला विषय के साथ तथा बी.ए.

अथवा

ड्राइंग अथवा पेंटिंग के साथ बी.ए.

अथवा

इण्टरमीडिएट के साथ भारत में विधि द्वारा स्वीकृत किसी विश्वविद्यालय अथवा मान्यता प्राप्त संस्थानों द्वारा प्रदत्त कला में विशेष उपाधि अथवा डिप्लोमा ।

(ब) शैक्षिक अर्हता—स्वास्थ्य एवं शारीरिक शिक्षा (Health & Physical Education)--

स्वास्थ्य एवं शारीरिक शिक्षा हेतु अंशकालिक अनुदेशकों की शैक्षिक अर्हता निम्नवत् होगी—

(1) स्नातक तथा

(2) राज्य सरकार द्वारा मान्यता प्राप्त व्यायाम शिक्षा में डिप्लोमा अथवा भारत में विधि द्वारा स्थापित किसी विश्वविद्यालय द्वारा प्रदत्त व्यायाम शिक्षा में उपाधि / डिप्लोमा अथवा उसके समकक्ष कोई अन्य योग्यता ।

(स) शैक्षिक अर्हता—कार्य शिक्षा (Work Education)--

कार्य शिक्षा (Work Education) में 04 विषय क्रमशः कम्प्यूटर शिक्षा, गृह शिल्प एवं सम्बन्धित कला, कला, उद्यान विज्ञान एवं फल संरक्षण तथा कृषि विषय प्राविधानित है । कार्य शिक्षा के उक्त 04 विषयों में से प्रति विद्यालय एक ही विषय का चयन करते हुए सम्बन्धित विषय के एक अंशकालिक अनुदेशक की नियुक्ति विद्यालय में की जायेगी । शिक्षा के क्षेत्र में वर्तमान परिपेक्ष्य को दृष्टिगत रखते हुए जनपद में कम्प्यूटर शिक्षा के लिए 35 प्रतिशत, गृह शिक्षा एवं सम्बन्धित कला के लिए 35 प्रतिशत, उद्यान विज्ञान एवं फल संरक्षण के लिए 15 प्रतिशत

तथा कृषि विषय के लिए 15 प्रतिशत विद्यालयों में विषयवार अंशकालिक अनुदेशकों का चयन कराया जायेगा ।

(i) कम्प्यूटर शिक्षा (Computer Education)--

कम्प्यूटर शिक्षा के अंशकालिक अनुदेशकों को उन्ही विद्यालयों हेतु चयनित किया जायेगा जो कम्प्यूटर ऐडेड लर्निंग से आच्छादित होंगे तथा जिनमें नामांकन 100 से अधिक होगा । कम्प्यूटर के अनुदेशकों हेतु शैक्षिक अर्हता निम्नवत होगी—

बी.एस.सी. इन कम्प्यूटर साइन्स

अथवा

बी.सी.ए.

अथवा

DOEACC “A” लेवल कोर्स के साथ स्नातक

(ii) गृहशिल्प एवं सम्बन्धित कला—

गृहशिल्प हेतु अंशकालिक अनुदेशकों की शैक्षिक अर्हता निम्नवत होगी—

गृह विज्ञान (होम साइन्स) या गृह अर्थशास्त्र (होम इकनोमिक्स) या घरेलू विज्ञान (डोमेस्टिक साइन्स) या गृहकला (होम आर्ट) में स्नातक ।

(iii) उद्यान विज्ञान एवं फलसंरक्षण—

बी.एस.सी. कृषि के साथ फल संरक्षण को विशेष डिप्लोमा ।

(iv) कृषि शिक्षा—

बी.एस.सी. कृषि ।”

32. Qualification for being appointed as Assistant Teacher in such schools, is governed by the Rules, 1978, wherein Rule-5 envisages the eligibility, which is as follows:

“5. Eligibility for appointment. - No person shall be appointed as Headmaster or Assistant Teacher in substantive capacity in any recognized school, unless -

(a) he possesses the minimum qualifications prescribed for such posts;

(b) he is recommended for such appointment by the Selection Committee.”

33. The Rules of 1978, as amended, were enacted to regulate recruitment and conditions of service of teachers in Junior High Schools, including appointment to the post of Headmaster, which is a promotional post carrying academic as well as administrative responsibilities., Rule-4 of the Rules 1978 as amended on 2019,

prescribes the minimum qualifications as already quoted above. In view thereof, for appointment to the post of Assistant Teacher, the candidate must possess a graduation degree from a University recognized by the University Grant Commission⁸ along with a teacher training course recognized by the State Government or the National Council for Teacher Education and the minimum qualification for appointment to the post of Headmaster includes a graduation degree from a recognized University or an equivalent qualification recognized as such and teachers training course recognized by the State Government or the National Council for Teacher Education and Teacher Eligibility Test (Upper Primary Level) conducted by the State Government or the Government of India as well as minimum 5 years of teaching experience in a recognized Junior High School or Senior Basic School of the Basic Education Board.

34. A harmonious and purposive interpretation of the Rules makes it abundantly clear that the teaching experience contemplated therein must be experience gained as a duly appointed teacher in a recognized Junior High School or Senior Basic School, forming part of the regular teaching cadre. The post of Headmaster being the academic head of the institution, the required experience which cannot be construed to include experience gained in any casual, part-time, honorary, or non-cadre capacity.

35. The question for consideration in the instant case is whether, for appointment to the post of Headmaster, the teaching experience must mandatorily be experience gained in the post of Assistant Teacher alone, or whether 'teaching experience' simpliciter including experience acquired as a part-time instructor can be treated as valid experience for the purpose of eligibility.

8 UGC

36. As per the Rules, 1978, as amended from time to time, the post of Headmaster is a promotional/selection post requiring a prescribed minimum period of teaching experience in a recognized institution. Said Rules consciously employ the expression “teaching experience” in the context of regular teachers appointed against sanctioned posts and governed by the statutory service conditions. From a plain reading of the Rules, 1978, it is evident that part-time instructors do not constitute a cadre of teachers under the said Rules. The minimum educational qualifications, mode of engagement, tenure, and nature of duties of part-time instructors are fundamentally different from those of Assistant Teachers appointed under the said Rules. Part-time instructors are engaged only for Classes 6 to 8, that too subject to student strength exceeding 100, and are not appointed for Classes 1 to 4 at all. Their engagement is thus contingent, limited, and need-based, lacking the attributes of a regular statutory appointment.

37. It is well settled that eligibility conditions prescribed under the statutory recruitment rules must be strictly construed and scrupulously followed. Neither the appointing authority nor the court can dilute, relax, or substitute the essential qualifications unless such power is expressly conferred by the rules themselves. The purpose behind prescribing teaching experience for the post of Headmaster is to ensure administrative efficiency, academic leadership, and familiarity with institutional responsibilities acquired through regular service.

38. In the case of **P.M. Latha and another v. State of Kerala and others**⁹, the Supreme Court has held that when statutory rules prescribe specific qualifications, the same cannot be relaxed on equitable considerations, and appointments made contrary thereto are unsustainable in law. Similarly, in the case of **Yogesh Kumar and**

9 (2003) 3 SCC 541

others v. Government of NCT Delhi and others¹⁰, it has been held that experience must be of the nature and character contemplated by the rules, and experience gained in any other capacity cannot be treated as equivalent unless the rules so provide.

39. Applying the aforesaid principles to the facts of the present case, it is evident that if the recruitment rules specifically require teaching experience as an Assistant Teacher in regular service, experience acquired merely as a part-time instructor lacking the attributes of permanency, administrative responsibility, and regular academic engagement cannot be treated as valid compliance with the eligibility criteria. To hold otherwise would amount to rewriting the rules, which is impermissible in law.

40. However, where the rules use the expression ‘teaching experience’ without any restrictive qualification as to the nature of appointment or cadre, and where the duties discharged by the candidate demonstrably involve regular teaching functions comparable to those of an Assistant Teacher, such experience may be considered, subject to strict proof and rule-based interpretation.

41. It is a settled principle that eligibility conditions prescribed by statutory rules must be strictly construed and strictly satisfied. The Apex Court in the case of **P. Mahendran and others v. State of Karnataka and others**¹¹, held that qualifications and experience prescribed by rules cannot be diluted by administrative interpretation or equitable considerations. Further, in the case of **State of Rajasthan and others v. Jagdish Chopra**¹², the Supreme Court has observed that experience for promotion to a higher post must be relevant to the nature of duties attached to that post. Teaching experience, therefore, must have a direct nexus with classroom teaching as a regular teacher.

¹⁰ (2003) 3 SCC 548

¹¹ (1990) 1 SCC 411

¹² (2007) 8 SCC 161

42. The Apex Court in the case of **Chairman, LIC and others v. A. Masilamani**¹³, has categorically held that courts cannot expand the scope of eligibility by reading into the rules something which is not expressly provided. In the case of **State of Rajasthan v. Kunji Raman**¹⁴, the Apex Court has held that experience must be of the nature contemplated by the rules; ad-hoc or non-regular service cannot be equated unless specifically provided. In the case of **Secretary, State of Karnataka and others v. Umadevi and others**¹⁵, contractual or irregular engagements do not confer parity with regular appointees nor entitlement to be treated alike for service benefits.

43. Applying the aforesaid principles, this Court finds that teaching experience under Rule 4 of the Rules of 1978, as amended, for the purpose of appointment to the post of Headmaster, means experience acquired as a regularly appointed teacher, and not experience gained as a part-time instructor or in any other non-recognized capacity. Consequently, any claim for appointment to the post of Headmaster based on experience other than experience as a teacher, as contemplated under the Rules, cannot be sustained in law.

44. The duties discharged by part-time instructors are restricted in scope and duration and cannot be equated with the comprehensive academic, evaluative, and administrative responsibilities entrusted to Assistant Teachers. In the absence of any provision under the Rules, 1978, expressly recognizing part-time service as equivalent to regular teaching service, such experience cannot be imported to satisfy the eligibility requirement for appointment to the post of Headmaster.

45. Insofar as reliance placed by the learned counsel for the petitioners in **Sadanand Singh (supra)** is concerned, said judgement does not apply in the present case as the petitioners therein earned

13 (2013) 6 SCC 530

14 (1997) 2 SCC 517

15 (2006) 4 SCC 1

experience on the post of lecturer in the unaided Intermediate Section of the same Institution recognized under the U.P. Intermediate Education Act, 1921, having the requisite eligibility required for being appointed on the post of Headmaster / Principal of aided Intermediate High School Institutions. However, the petitioners in the case in hand are purely appointed on contractual basis that too lacking qualification required for the post of Assistant Teacher, of which five years teaching experience is required to be appointed as Headmaster.

46. As regards the submission of learned counsel for the petitioners that in view of the judgement in **Dr. Deepak Bhatiya (supra)**, the petitioners cannot be excluded *en masse*, the case of petitioners herein is not on similar footings as the petitioners in the said case who were full time teachers and appointed in accordance with the rules applicable to the institutions affiliated from Central Board of Secondary Education, New Delhi, which was a recognized Intermediate College, were said to be within the zone of consideration. Thus, the submission of learned counsel for the petitioners does not merit acceptance.

47. The principle of equivalence cannot be presumed. Where the rules prescribe specific qualifications and experience, courts are not empowered to dilute or rewrite them by treating unequal service as equal. Consequently, experience gained as a part-time instructor does not answer the statutory description of 'teaching experience' contemplated by the Rules, 1978 for appointment as Headmaster.

48. The submission advanced by learned counsel for the petitioners that the specification of requirement of experience as an Assistant Teacher in the required format is an administrative direction, is not admissible as the format prescribed in the impugned circular is in consonance with Rule-4(2) of the Rules, 1978 as amended in the year 2019, which stipulates minimum qualification for the post of Head

Master in a recognized school i.e. five years teaching experience which ought to be construed as full time teaching experience, though the petitioners are discharging their duties as part-time instructors. Thus, the petitioners do not fulfill the required qualification in view of the provisions of the Rules, 1978, hence, the challenge of the petitioners in the writ petition is unsustainable.

49. Even otherwise, under the notification / Government order dated 19.02.2021, applications were invited only from those candidates who possessed a minimum of five years' teaching experience as an Assistant Teacher, such experience being a mandatory and essential qualification for consideration for appointment on the post of Headmaster. Thus, the rule of the game has not been changed in the midst of the selection proceedings.

50. Accordingly, a candidate who relies solely on five years' experience as a part-time instructor cannot be held eligible for appointment to the post of Headmaster under the Rules, 1978 as amended in 2019.

51. Experience acquired as a part-time instructor is not equivalent to regular teaching experience under the Rules, 1978 and cannot be counted towards the requisite five years teaching experience for appointment to the post of Headmaster. The experience gained on part-time basis cannot ordinarily be equated with regular service experience unless the rules expressly permit such equivalence. The post, status, and duties attached to the experience are required to be considered.

52. In view of the foregoing discussion and the settled position of law, this Court holds that the expression 'teaching experience' occurring in Rule 4 of the Rules of 1978, as amended in 2019, unequivocally refers to experience acquired while serving as a duly

appointed teacher in a recognized Junior High School of Senior Basic School, forming part of the regular teaching cadre. Experience gained in any other capacity, including as a part-time instructor does not satisfy the statutory requirement prescribed under the rules and cannot be taken into consideration for appointment to the post of Headmaster.

53. Accordingly, the action of the respondents in rejecting the claim of the petitioners for appointment to the post of Headmaster, on the ground of lack of requisite teaching experience as mandated under Rule 4 of the Rules of 1978, as amended, calls for no interference by this Court.

54. The writ petition, being devoid of merit, is dismissed. There shall be no order as to costs.

(Mrs. Manju Rani Chauhan,J.)

December 12, 2025

Kalp Nath Singh/DS