



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

ON THE 7th OF APRIL, 2025

WRIT PETITION No. 3673 of 2023

SUNITA GUPTA

Versus

**THE STATE OF MADHYA PRADESH SCHOOL EDUCATION
DEPARTMENT AND OTHERS**

Appearance:

Shri Anand Singh Bahrawat, learned counsel for the petitioner.
Shri Rajwardhan Gawde, learned counsel for the respondent/State.
Shri Koustubh Pathak, learned counsel for the respondent No.2.

ORDER

This petition has been filed by the petitioner seeking following reliefs:

“(A) That, by issuance of appropriate writ direction and/or order, the respondent authorities may kindly be direct to consider the candidature of the petitioner and declared the petitioner eligible for appointment and appoint Petitioner for the post of Middle School Teacher / Madhyamik Shikshak, along with all other consequential benefit which were extended to similar situated candidate appeared in Middle School Teacher Eligibility Test- 2018.

(B) That, by issuance of appropriate writ direction and/or order kindly quash the rejected/invalid candidate list (Annexure P/1) by which petitioner candidature has been rejected (serial no.124) and petitioner has been declared not eligible candidate, without giving any opportunity of being heard.

(C) That, by issuance of appropriate writ direction and/or order kindly quash the order dated 17/09/2021 (Annexure P/2), on that basis petitioner candidature has been rejected and petitioner has been declared not eligible/ invalid candidate.

(D) To call the relevant records of the case from the respondents.

(E) To award the costs of this petition from the Respondents.



(F) Any other relief which this Hon'ble Court may deem fit may also be given to the Petitioner"

2. The petitioner is aggrieved by the order dated 17.09.2021, whereby the respondents have prescribed the eligibility criteria for appointment of Middle School Teacher to a candidate having B.Ed. degree with 50% marks. The petitioner has also assailed the result (annexure P-1) whereby, his name which appears at serial No.124, has been declared to be ineligible as she has obtained less than 50% marks in graduation.
3. The brief facts of the case are that the petitioner had participated in the Middle School Teaching Eligibility Test, 2018 for the post of Middle School Teacher. After the result was declared, it was found that petitioner did not meet the eligibility criterion only because she did not secure 50% or more marks in her graduation. The petitioner is also aggrieved by the clarification dated 17.09.2021 wherein it has been opined that for before obtaining the B.Ed. degree, the candidate must have obtained 50% in graduation.
4. Learned counsel for the petitioner has drawn the attention of this Court towards *National Council for Teacher Education* (NCTE) notification dated 28.11.2014, wherein, the norms and standards for Bachelor of Education program leading to the Bachelor of Education (B.Ed.) Degree, provide the eligibility of a candidate, that the candidate should have 50% marks either in bachelor degree and/or master degree in the relevant subject. Learned counsel has also drawn the attention of this Court that although the petitioner obtained bachelor degree i.e. B.A. with 47.50 marks, however, in her master degree i.e., M.A., she has obtained 50% marks and in support of this contention, mark-sheet of M.A. (Annexure P-9) has also been filed on record.
5. Learned counsel for the petitioner has also drawn the attention of this Court to the relevant condition of the advertisement (Annexure P-3),



wherein the eligibility criteria is that in the relevant subject the candidate must have at least 45% in graduation as per the Regulations issued in accordance with National Council for Teachers Education (Recognition Norms and Procedure) Regulation, 2014 from time to time (hereinafter referred as “NCTE Regulation 2014”). It is submitted that there was no mandatory condition that petitioner must have 50% marks in her graduation to obtain B.Ed. degree. Learned counsel has also drawn the attention of this Court to the NCTE Regulation, 2014 which provides that a candidate must have 50% marks either in the bachelor’s degree and/or in the master’s degree in the relevant subject to be eligible for B.Ed. course. Thus, it is submitted that the impugned result be quashed so far as it relates to rejection of the petitioner's candidature, and the respondents may be directed to issue appointment letter to the petitioner.

6. Prayer is opposed by the learned counsel for the respondents. It is submitted that looking to the Regulations which have been filed by the respondents, it is apparent that the eligibility criteria under the NCTE Regulation, 2014 is “graduation only with at least 50% marks” and there is no reference of post graduation in the eligibility criteria. Thus, it is submitted that no irregularity has been committed by the respondents in rejecting the petitioner's claim.

7. Heard. Having heard the rival submissions and on perusal of the record as also on perusal of NCTE Regulation, 2014, it is found that there is material discrepancy between English version as produced by the petitioner and the Hindi version of the same, as produced by the respondent. For the ready reference, the relevant extract of Hindi version(Annexure-R/3), read as under:-

“3.2 पक्ष-



(क) कार्यक्रम में प्रवेश के लिए स्नातक डिग्री या/ अथवा विज्ञान/ सामाजिक विज्ञान/ मनोविज्ञान, में कम से कम 50 प्रतिशत अंक पाने वाले अभ्यर्थी पत्र होंगे। इसके अतिरिक्त इंजीनियरी, जिसमें विज्ञान और गणित के विषय हों, में 55% अंक प्राप्त करने वाले अभ्यर्थी अथवा इनके समुत्तुल्य कोई अन्य अंकित वाले अभ्यर्थी प्रवेश के लिए पत्र होंगे।"

Whereas, the relevant extract of English version is as under:-

“3.2 Eligibility

(a) Candidates with at least fifty percent marks either in the Bachelor's Degree and/or in the Master's Degree in Sciences/Social Sciences/Humanity, Bachelor's in Engineering or Technology with specialization in Science and Mathematics with 55% marks or any other qualification equivalent thereto, are eligible for admission to the programme.”

(emphasis supplied)

8. Thus, it is apparent that in the Hindi version of Regulation, 2014, the master's degree as provided in English version is missing.

9. As per Article 348 (1)(b)(iii) of the Constitution of India, the authoritative texts of all orders, rules, Regulations and bye-laws issued under the Constitution or under any law made by Parliament or the Legislature of a State, shall be in the English language. Since the NCTE Regulation, 2014 are the Central Government regulations, in case of any discrepancy, the regulations which are in English language shall prevail. In such circumstances, this Court has no hesitation to hold that on the basis of the Regulation, 2014 (Annexure-R/3), which are in Hindi, respondents have erred in coming to the conclusion that the eligibility to hold B.Ed. degree is graduation with 50% marks, to the exclusion of master's degree. Whereas, in English version of the same, the eligibility criteria is stated to be bachelor's degree or master's degree in relevant



subject with 50% marks and thus, apparently the English version shall prevail.

10. On the other hand, it is also found that so far as the advertisement is concerned, it does not even prescribe the condition of holding the degree with 50% marks, and what it prescribes is as under:-

“संक्षिप्त विषय में कम से कम 45 प्रतिशत अंकों के साथ स्नातक अधि एवं इस संक्षिप्त में समय-समय पर जारी राष्ट्रीय अध्यापक शिक्षा परिषद् (मन्व्यत, मन्व्यत तथ क्रिय विधि विनियमों के अनुसार शिक्षा शास्त्र में स्नातक अधि (बी.एड.)”

11. Thus, going by the aforesaid condition, admittedly, the petitioner has obtained 47.5 marks in graduation and has also obtained B.Ed. degree from a recognized university and thus, on this ground also action on the part of the respondents cannot be countenanced in the eyes of law.

12. Accordingly, the present petition stands **allowed** and the impugned Annexure P-1 and Annexure P/2 dated 17.09.2021, so far as it relates to the petitioner- Sunita Gupta is concerned, are hereby quashed, and it is directed to the respondents to issue to the petitioner, the appointment order for Middle School Teacher along with all the consequential benefits excluding the pecuniary benefits which have been given to the similarly situated candidates who had appeared in Middle School Teacher Eligibility Test-2018.

13. Let the aforesaid exercise be concluded within a further period of three months.

14. With the aforesaid, the present petition stands ***allowed*** and ***disposed of***.

(SUBODH ABHYANKAR)
JUDGE