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Abdul Qayoom Vs. State of Jandk; and ors

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Court : Jammu and Kashmir

Decided On : Jul-09-2012

Judge : Mr. Justice J. P. Singh

Appellant : Abdul Qayoom

Respondent : State of Jandk; and ors

Judgement :

HIGH COURT OF JAMMU AND KASHMIR AT JAMMU. SWP No. 1018 OF 201.Abdul Qayoom Petitioners State of J&K & ors Respondent !Mr. K.K.Pathan, Advocate ^M/s Shaista Hakim, Dy.AG and Khalid Khatak, Advocate, MR. JUSTICE J.

P. SINGH Date:

09. 07.2012 :

: The petitioner-Abdul Qayoom has filed this Writ Petition seeking quashing of the Panel prepared by the Zonal Education Officer Peeri (Budhal) for engagement of Rehbar-e- Taleem in the newly opened Primary School P.S. Dung-Rehan Tehsil Koteranka (Budhal) District Rajouri, on the ground that while preparing the Merit Panel, the Zonal Education Officer had ignored the superior claim of the petitioner, whose Merit in 10+2 was higher than that of respondent Nos. 5 and 6, who figured in the Merit Panel. 2 Heard and considered the submissions made by the learned counsel for the parties. The respondents say that the petitioner was rightly ignored

consideration for selection because he did not possess the prescribed minimum qualification of 10+2. The petitioners case, on the other hand, is that he possessed requisite qualification for the selection of Rehbar-e-Taleem but was erroneously ignored consideration by the Zonal Education Officer. His learned counsel has placed on records documents to support the petitioners claim of possessing requisite qualification of 10+2. The material placed by the petitioner on records, indicates him to have cleared the Jammu and Kashmir State Board of School Education Secondary School Examination in Session 2002 (Annual) as a private candidate and thereafter obtained Certificate of Achievement for Class-11th with four subjects, i.e., General English, Education, Political Science and Urdu. Rather than completing the Higher Secondary Examination, i.e. 10+2, the petitioner appears to have passed the Senior Secondary Examination of the Board of Higher 3 Secondary Education, Delhi from National Public School Khanna (Ludhiana) with five subjects, i.e. Urdu, English, Mathematics, Physics and Chemistry. According to the petitioners learned counsel, having obtained the Certificate of Achievement in Class-11th and passed the Senior Secondary Examination of the Board of Higher Secondary Education, Delhi, the petitioner was eligible to compete for the selection because his qualification was equivalent to 10+2. The Senior Secondary Examination passed by the petitioner from the Board of Higher Secondary Education, Delhi, as a student from the National Public School Khanna (Ludhiana), by distance mode and not as a regular student, would not amount to petitioners possessing the qualification of 10+2 as prescribed by the State-respondents, for, the Senior Secondary Examination passed by the petitioner is not shown recognized by the State of Jammu and Kashmir for the purposes of employment in the State. Even otherwise, the Senior Secondary Examination passed by the petitioner from the Board of Higher Secondary Education, Delhi, cannot be 4 equated with the qualification of 10+2 recognized in the State, for, the instructions imparted by the Board of Higher Secondary Education, Delhi, are Non-formal self employment education only, and do not give any guarantee for further educational use or job, as is indicated in the Brochure issued by the Board of Higher Education, Delhi. Another circumstance that supports the respondents plea of petitioners ineligibility is that the examination cleared by the petitioner from the Board of the Higher Secondary Education, Delhi, is not stated recognized by the

State Board of School Education as completion course for 10+2 programme of the State Board of School Education. It is, therefore, apparent that the petitioner has neither passed 10+2 examination of the State Board of School Education nor does he possess any such qualification recognized as equivalent to 10+2 by the State government or State Board of School Education. The petitioner, being ineligible to compete in selection for engagement of Rehbar-e- Taleem is, therefore disentitled to question Merit Panel prepared by the Zonal Education Officer, Peeri (Budhal). 5 There is, therefore, no merit in the Writ Petition, which is, accordingly dismissed lifting interim order dated 09.05.2011. (J.

P. Singh) Judge JAMMU:

09. 07.2012 Vinod.

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