



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 8863/2025

1. Ashok Kumar S/o Shri Bhanwar Lal, Aged About 46 Years, R/o Baytu, Bhopji, Barmer, District Barmer, Rajasthan.
2. Manoj Kumar S/o Babulal Sharma, Aged About 51 Years, R/o Near Tarapanth Sabha Bhawan, Baitu, Chimanji, Barmer, District Barmer, Rajasthan.
3. Ramesh Kumar S/o Shri Padma Ram, Aged About 47 Years, R/o Near Khema Baba Colony, Baitu, Bhopji, Barmer, District Barmer, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Education, Government Of Rajasthan, Jaipur, Rajasthan.
2. The Director, Secondary Education, Bikaner, District Bikaner, Rajasthan.
3. The Joint Director (School Education), Jodhpur Zone, District Jodhpur, Rajasthan.
4. The District Education Officer, (Headquarter), Secondary Education, Jodhpur, District Barmer, Rajasthan.
5. The Registrar, Mewar University, Nh-79, Gangarar, District Chittorgarh, Chittorgarh (Raj.).

-----Respondents

For Petitioner(s)	:	Mr. Dheerendra Singh Sodha, Mr. Pankaj Mehta, Mr. Kailash Jangid
For Respondent(s)	:	Mr. Vinay Jain, Mr. N.K. Mehta, DyGC Mr. Darshan Jain, Mr. Vudit Balia Mr. Devendra Prajapati

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR****REPORTABLE :****Order****23/07/2025**

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the order dated 14.04.2025, whereby, the certificate/vacational course done by the petitioners had not been treated equivalent to the degree course in a subject and, therefore, the petitioners are held ineligible for promotion to the post of Senior Teachers.
3. To appreciate the controversy, the facts in nutshell necessary to be noted are that the petitioners were appointed as Teacher Gr.III in the respondent Department. While the petitioners were serving as a Teacher Gr.III, they have undergone a course titled as 'B.A. in Additional Subject'. The petitioners successfully completed the same and on completion of one year B.A. Additional Course, a mark-sheet was issued by the concerned University. After completion of the Bachelor Degree in Additional Course, the petitioners were considered for promotion to the post of Senior Teachers by the respondents and they were promoted to the post of Senior Teachers in their respective subjects. While the petitioners were discharging their duties as Senior Teachers on certain complaints being filed to the respondents, the matter was reconsidered by the respondents and show cause notices were issued to the petitioners for reverting them to the post of Teacher Gr.III. The petitioners assailed the validity of those notices before this Court by way of filing S.B. Civil Writ Petition No.7918/2021 and vide order dated 23.05.2023, this Court directed the respondents to re-examine the matter, after obtaining the



requisite information from the concerned Universities with respect to the courses undertaken by the petitioners. In pursuance of the directions issued by this Court on 23.05.2023, the petitioners filed detailed representations. After receiving the representations of the petitioners, the respondents have reconsidered the matter and has passed the order dated 14.04.2025 holding the petitioners ineligible for the post of Senior Teachers on the ground that B.A. Additional Course done by them is not equivalent to the degree course as the Course undertaken by the petitioners was a certificate/vacational evaluation course which runs for only 90 days. Hence, the present writ petition has been filed.

4. Learned counsel for the petitioners vehemently submits that the basis on which the impugned order dated 14.04.2025 has been passed is on the face of it is fallacious. The Course of B.A. Additional Degree undertaken by the petitioners was not completed in 90 days. It was a one year Course, which is equivalent to a degree course in a particular subject. Learned counsel submits that if a particular subject in a B.A. Course is taught for three years along with other subjects, the same is equivalent to the present course in a particular subject on the ground that one subject covering the curriculum of three years in a degree course is completed by the respondent University in one year. Therefore, for all intents and purposes, the Course in that particular subject undertaken by the University for a period of one year will be equivalent to a degree course in three years in that particular subject. Learned counsel submits that the respondents have rightly considered the said course of B.A. in Additional Subject equivalent to a graduation done by a particular candidate



in that particular subject while considering their cases for promotion to the post of Senior Teacher. He, therefore, submits that the petitioners have obtained the requisite qualification for holding the post of Senior Teacher as per the Rajasthan Educational Subordinate Service(Amendment) Rules, 2008 (hereinafter referred to as 'the Rules of 2008'). He, therefore, prays that the writ petition may be allowed and the petitioners may be allowed to discharge their duties on the post of Senior Teachers and the order dated 14.04.2025 passed by the respondents may be quashed and set aside.

5. *Per contra*, learned counsel for the respondent-State vehemently opposed the submissions made by learned counsel for the petitioners and submits that as per the communication received from the Mewar University dated 20.06.2020, the respondent State was right in treating the course of B.A. Additional Subject to a vocational course undertaken by the petitioners during the period of vacations only and, therefore, such students cannot be equated with degree holder in a particular subject. The communication dated 20.06.2020 is taken on record (although the respondents have filed the same with the reply to the other writ petitions pending before this Court). Learned counsel submits that as per the communication received by them from Sangam and Mewar University, they have treated the course of B.A. in particular subject to be a certificate/vacational course only and according to the respondents, such courses are conducted only during vacations and as the petitioners are serving Teachers in the respondent Department, therefore, no other days except the Holidays are



available for them to undertake that course and, therefore, the respondents have rightly understood such course to be conducted in vacations only and thus, they are absolutely right in treating that course to be not equivalent to the degree course. He further submits that since the petitioners are not having a Bachelor Degree in that particular subject from a recognized University, therefore, they cannot be allowed to continue to hold the post of Senior Teachers. He, therefore, prays that the writ petition may be dismissed.

6. Learned counsel for the respondent No.5 has filed reply and as per the reply submitted by him, it is clear that the duration of the subject course undertaken by the petitioners is not 90 days. Learned counsel submits that the duration of the said course of B.A. Additional is one year and the same was based on self-study mode to the Teachers, who could not attend the classes on regular basis. He further submits that a problem solving session is organized by the University during vacations to resolve the contentions and problems raised by those persons. He further submits that in B.A. Additional Course, all the papers of a particular subject, which are taught at the graduate level during three years are covered in One Year and a student has to pass all papers of the said subject. After passing all papers of a subject, certificate is issued to the effect that the candidate has passed one additional subject in B.A. successfully. Learned counsel submits that no correspondence with the State Government has been undertaken by the Mewar University to show that the duration of B.A. Certificate Course is 90 days and, therefore, the



same cannot be treated as a course undertaken for a period of 90 days only.

7. I have considered the submissions made at the Bar and gone through the relevant record of the case.

8. A short point involved in the present case is that whether the degree or certificate of B.A. Additional Course undertaken by the petitioners from Mewar University can be treated to be equivalent to the qualifications mentioned in Column 4 of Schedule 1 of the Rules of 2008 or not?

9. A close reading of the facts narrated above clearly show that the petitioners, while working as Teacher Grade-III, obtained a certificate/degree of B.A. Additional Course from Mewar University in different subjects. On the strength of those certificates/degrees obtained by them, the respondents considered their cases for promotion to the post of Senior Teacher. Considering the petitioners eligible as per the Rules of 2008, they were promoted on the post of Senior Teacher. While the petitioners were discharging their duties as Senior Teachers, they served with a show-cause notice for reverting them to the post of Teacher Grade-III. The same was challenged before this Court and this Court vide order dated 23.05.2023 directed the respondents to reconsider the matter after getting the appropriate correspondence from the concerned University.

10. The respondents, after getting representation from the petitioners and the inputs from the concerned University, came to the conclusion that the B.A. Additional Course obtained by the petitioners is not equivalent to the bachelors degree in that particular subject as the degree obtained in B.A. Additional Course



is for a duration of 90 days and the same is a certificate/vacational course, which can be undertaken only during the vacations for a period of 90 days. The respondents basically has decided the case of the petitioners on the ground that the course undertaken by the petitioners is a vocational course, which can be completed within a period of 90 days during the vacation period and since the petitioners are serving employees of the respondent Department, they cannot get more holidays than their vacations. The basis for reaching such conclusion is that since the certificate course runs only for a period of 90 days and the petitioners have not done the said course for a full year or for a larger duration, therefore, it cannot be treated as equivalent to a degree.

11. The foundation of the order dated 14.04.2025 is erroneous in light of the reply filed by the respondent No.5-Mewar University. The respondent No.5 in its reply has very categorically stated that the duration of B.A. Additional Course is **one year** and there is no need for any person to attend the classes since it is a distant education course on self study mode having problem solving session. As per the University in B.A. Additional Course all the papers of a particular subject is taught at the graduate level during three years, are taught in one year and a student has to pass all papers, therefore, the intention of the University is to impart an education to a student in that particular subject, which is taught in the graduate level for three years in one year. As per the requirement mentioned in Schedule-1 of the Rules of 2008, it clearly shows that for holding the post of Senior Teacher, a person must be graduate or equivalent examination with the concerned



subject and one more subject taught in Class 9th and 10th as Optional Subjects.

12. In the considered opinion of this Court, nothing has come on record which shows that the B.A. Additional Course conducted by the respondent-University is not recognized, therefore, the B.A. Additional Course conducted by the University is held to be equivalent to the eligibility condition mentioned in Schedule-1 of the Rules of 2008 and, therefore, the certificates/vacational B.A. Additional Course possessed by the petitioners are held to be valid as per the Rules of 2008. Thus, the promotions granted to the petitioners on the post of Senior Teacher is just, proper and correct as they are holding the requisite qualification for the post.

13. Accordingly, the writ petition merit acceptance and the same is allowed. The order dated 14.04.2025 is quashed and set aside. The petitioners' qualification of B.A. Additional Course cannot be held to be a certificate vacation course only.

14. The stay application and other pending applications, if any, also stand disposed of.

(VINIT KUMAR MATHUR),J

130-SanjayS/-