



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Special Appeal Writ No. 152/2023

Bimala Kumari D/o Shri Moola Ram, W/o Shri Sumer Singh,
Aged About 49 Years, Resident Of Village Maharana, Post-
Khanpur, Tehsil- Buhana, District Jhunjhunu (Raj.)

----Appellant

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department, Government Of Rajasthan, Secretariat, Jaipur
2. Rajasthan Subordinate And Ministerial Service Selection Board, Jaipur Through Secretary, Rsmsbb, State Agriculture Management Institution Premises, Durgapura, Jaipur-302018
3. Director, Secondary Education, Rajasthan, Bikaner (Raj.)-334001
4. National Council For Teacher Education, Through Its Director, Hans Bhawan, Wing-Ii, Bahadur Sah Zafar Marg, New Delhi-110002.
5. Regional Director, (Northern Region), National Council For Teachers Education, 4Th Floor, Jeevan Nidhi-Ii, Lic Building, Ambedkar Circle, Bhawani Singh Marg, Jaipur-302005.

----Respondents

Connected With

D.B. Special Appeal Writ No. 82/2023

Rajendra Singh Khichar S/o Shri Mangal Chand, Aged About 48
Years, R/o Village And Post Gokulpura, District Sikar.

----Appellant

Versus

1. The State Of Rajasthan, Through Principal Secretary Education Department, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Rajasthan Employee Selection Board, Jaipur, Through Chairman State Agriculture Management Institution Premises, Durgapura, Jaipur.
3. Director, Secondary Education, Rajasthan, Bikaner (Raj.)





4. National Council For Teacher Education, G-7, Sector-10, Dwarka, New Delhi - 110075 Through Its Regional Director, Northern Region.

-----Respondents

D.B. Special Appeal Writ No. 84/2023

1. Jagdish Chand Damor Son Of Shri Balaji Damor, Aged About 48 Years, Resident Of Village Sangela, Post Jaulana Tehsil Garhi District Banswar (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
2. Archana Kumari W/o Late Shri Sunil Kumar, D/o Shri Chander Kant, Aged About 37 Years, Resident Of Village And Post Harsoli Tehsil Kotkasim District Alwar (Raj)
3. Shanti Lal Damor Son Of Shri Suraj Mal Damor, Aged About 50 Years, Resident Of Village And Post Karnauwa Tehsil Kharwada District Udaipur (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
4. Chetan Lal Huvor Son Of Shri Kawa, Aged About 45 Years, Resident Of Village Sogpura Post Naugama, Tehsil Bagidaura District Banwara (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
5. Sukhlal Tabiyar Son Of Shri Badraji Tabiyar, Aged About 46 Years, Resident Of Village And Post Kesharpura Tehsil Garhi District Banswara (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
6. Jitendra Kumar Damor Son Of Shri Juliyas Damor, Aged About 46 Years, Resident Of Village Khandi Obera, Upla Phala Tehsil Kherwary Distt. Udaipur At Present Rajasthan High Court Bench Jaipur.
7. Kalu Ram Bheel Son Of Shri Ramji Bheel, Aged About 46 Years, Resident Of Village Mithi Mahudi Post Dhani Tehsil Kherwada Distt. Udaipur At Present Rajasthan High Court Bench Jaipur.
8. Shiv Lal Baranda Son Of Balji Baranda, Aged About 48 Years, Resident Of Village Kisharapura, Post Basi Via Damadi Panchayat Samiti Dowada Tehsil Doongarpur at present Rajasthan High Court Bench Jaipur.
9. Phool Shankar Katara Son Of Shri Dhanji Katara, Aged About 49 Years, Resident Of Village Gadat Phala Post Pal Mathumamada Tehsil Doongarpur Distt. Doongarpur At





Present Rajasthan High Court Bench Jaipur.

10. Rajesh Kumar Pandwala Son Of Shri Suraj Mal Pandwala, Aged About 45 Years, Resident Of Village And Post Pal Padar Tehsil Bidhiwada Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
11. Magan Lal Huvor Son Of Shri Bhurji Huvor, Aged About 42 Years, Resident Of Village Sogapura Post Naugama Tehsil Babidora Distt. Banswara At Present Rajasthan High Court Bench Jaipur.

----Appellants

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Education Department, Government Of Rajasthan, Govt. Secretariat, Jaipur.
2. Rajasthan Subordinate And Ministerial Service Selection Board, Jaipur, Through Its Secretary, Rsmssb, State Agriculture Management Institution Premises, Durgapura, Jaipur-302018
3. Director, Secondary Education, Rajasthan, Bikaner-334001
4. National Council For Teachers Education, Through Its Director, Hans Bhawan, Wing-Ii, Bahadur Sah Zafar Marg, New Delhi. 110002
5. Regional Director (Northern Region) National Council For Teachers Education, 4Th Floor, Jeevan Nidhi-Ii, Lic Building, Ambedkar Circle, Bhawani Singh Marg, Jaipur.-302005
6. Sumitra Kumari Daughter Of Shri Surja Ram, W/o Late Shri Vijay Singh, Aged About 45 Years, Resident Of 127 (4-C), Jamunapuri Quarter, Murlipura, Jaipur.
7. Shiv Lal Roat Son Of Shri Haliya Ji Roat, Aged About 48 Years, Resident Of Village Nayagaon, Post Surata Via Antari Tehsil Jhothari Pal Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
8. Kanti Lal Balai Son Of Shri Rama Balai, Aged About 45 Years, Resident Of Village And Post Sabali Via Kataba, Panchayat Samiti Bichhiwada Post Basi Via Damadi Panchayat Samiti Dowada Tehsil Doongarpur Distt. Doongarpur At Present Rajasthan High Court Bench





Jaipur.

9. Mohan Lal Son Of Shri Magora, Aged About 47 Years, Resident Of Village And Post Dariyari Tehsil Chikhali Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
10. Monika Dhabhai D/o Shri Banshi Lal Dhamai, Aged About 35 Years, Resident Of Sardar Colony, Station Road, P.o. Anta District Baran

----Respondents

D.B. Special Appeal Writ No. 99/2023

Sumitra Kumari Daughter Of Shri Surja Ram, W/o Late Shri Vijay Singh, Aged About 45 Years, Resident Of 127 (4-C), Jamunapuri Quarter, Murlipura, Jaipur.

----Appellant

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Education Department, Government Of Rajasthan, Govt. Secretariat, Jaipur.
2. Rajasthan Subordinate And Ministerial Service Selection Board, Jaipur, Through Its Secretary, Rsmssb, State Agriculture Management Institution Premises, Durgapura, Jaipur-302018
3. Director, Secondary Education, Rajasthan, Bikaner-334001
4. National Council For Teachers Education, Through Its Director, Hans Bhawan, Wing-Ii, Bahadur Sah Zafar Marg, New Delhi. 110002
5. Regional Director (Northern Region) National Council For Teachers Education, 4Th Floor, Jeevan Nidhi-Ii, Lic Building, Ambedkar Circle, Bhawani Singh Marg, Jaipur.-302005
6. Archana Kumari W/o Late Shri Sunil Kumar, D/o Shri Chander Kant, Aged About 37 Years, Resident Of Village And Post Harsoli Tehsil Kotkasim District Alwar (Raj)
7. Jagdish Chand Damor Son Of Shri Balaji Damor, Aged About 45 Years, Resident Of Village Sangela, Post Jaulana Tehsil Garhi District Banswar (Rajasthan) At Present Rajasthan High Court Bench Jaipur.





8. Shanti Lal Damor Son Of Shri Suraj Mal Damor, Aged About 50 Years, Resident Of Village And Post Karnauwa Tehsil Kharwada District Udaipur (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
9. Chetan Lal Huvor Son Of Shri Kawa, Aged About 42 Years, Resident Of Village Sogpura Post Naugama, Tehsil Bagidaura District Banwara (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
10. Sukhlal Tabiyar Son Of Shri Badraji Tabiyar, Aged About 46 Years, Resident Of Village And Post Kesharpura Tehsil Garhi District Banswara (Rajasthan) At Present Rajasthan High Court Bench Jaipur.
11. Jitendra Kumar Damor Son Of Shri Juliyas Damor, Aged About 46 Years, Resident Of Village Khandi Obera, Upla Phala Tehsil Kherwary Distt. Udaipur At Present Rajasthan High Court Bench Jaipur.
12. Kalu Ram Bheel Son Of Shri Ramji Bheel, Aged About 46 Years, Resident Of Village Mithi Mahudi Post Dhani Tehsil Kherwada Distt. Udaipur At Present Rajasthan High Court Bench Jaipur.
13. Shiv Lal Roat Son Of Shri Haliya Ji Roat, Aged About 48 Years, Resident Of Village Nayagaon, Post Surata Via Antari Tehsil Jhothari Pal Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
14. Shiv Lal Baranda Son Of Shri Balji Baranda, Aged About 48 Years, Resident Of Village Kisharapura Post Basi Via Damadi Panchayat Samiti Dowada Tehsil Doongarpur Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
15. Phool Shankar Katara Son Of Shri Dhanji Katara, Aged About 49 Years, Resident Of Village Gadat Phala Post Pal Mathumamada Tehsil Doongarpur Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
16. Rajesh Kumar Pandwala Son Of Shri Suraj Mal Pandwala, Aged About 42 Years, Resident Of Village And Post Pal Padar Tehsil Bidhiwada Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
17. Kanti Lal Balai Son Of Shri Rama Balai, Aged About 45 Years, Resident Of Village And Post Sabali Via Kataba,





Panchayat Samiti Bichhiwada Post Basi Via Damadi Panchayat Samiti Dowada Tehsil Doongarpur Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.

18. Mohan Lal Son Of Shri Magora, Aged About 47 Years, Resident Of Village And Post Dariyari Tehsil Chikhali Distt. Doongarpur At Present Rajasthan High Court Bench Jaipur.
19. Magan Lal Huvor Son Of Shri Bhurji Huvor, Aged About 44 Years, Resident Of Village Sogapura Post Naugama Tehsil Babidora Distt. Banswara At Present Rajasthan High Court Bench Jaipur.
20. Monika Dhabhai D/o Shri Banshi Lal Dhamai, Aged About 36 Years, Resident Of Sardar Colony, Station Road, P.o. Anta District Baran

-----Respondents

D.B. Special Appeal Writ No. 151/2023

1. Sanjesh Kumar Khatik S/o Shri Nanag Ram Khatik, Aged About 49 Years, R/o Village Meethawas, Post Jatwara Tehsil Bassi District Jaipur (Raj.)
2. Batti Lal Meena S/o Shri Bhajan Lal Meena, Aged About 46 Years, R/o Village Jodhya Post Pharaspura Tehsil Sikrai District Dausa (Raj.)
3. Ramji Lal Meena S/o Shri Shrawan Lal Meena, Aged About 46 Years, R/o Village And Post Maheshwara Khurd, Tehsil And District Dausa (Raj.)
4. Govind Sahai Sharma S/o Shri Jagmohan Lal Sharma, Aged About 45 Years, R/o Village And Post Mahu-Ibrahimpur Tehsil Hindauncity District Karauli (Raj.)
5. Lal Singh Beniwal S/o Raj Pal Beniwal, Aged About 50 Years, R/o Village And Post Kachrauli Tehsil Hindauncity District Karauli (Raj.)
6. Mahesh Chand Khatik S/o Shri Ganpat Ram Khatik, Aged About 43 Years, R/o Village Of Post Kathumer Tehsil Kathumer District Alwar (Raj.)
7. Ashok Kumar Chauhan S/o Shri Ram Swaroop Chauhan, Aged About 43 Years, R/o Village And Post Pushpnagar, New Colony, Ward No.24, Tehsil Shrimadhapur District Sikar





8. Mohar Singh S/o Shri Chhote Lal, Aged About 46 Years, R/o Village Of Post Meharadasi Tehsil Jhunjhunu District Jhunjhunu (Raj.)
9. Subran Singh S/o Shri Lakshaman Singh, Aged About 48 Years, R/o Village Murrika Post Dahina Gaon Tehsil Roopwas District Bharatpur (Raj.)

----Appellants

Versus

1. State Of Rajasthan, Through Its Principal Secretary Education Department, Government Of Rajasthan, Govt. Secretariat, Jaipur
2. Rajasthan Subordinate And Ministerial Service Selection Board, Jaipur, Through Its Secretary, Rsmssb, State Agriculture Management Institution Premises, Durgapura, Jaipur-302018
3. Director, Secondary Education, Rajasthan, Bikaner-334001
4. National Council For Teachers Education, Through Its Director, Hans Bhawan, Wing-Ii Bahadur Sah Zafar Marg, New Delhi-110002
5. Regional Director (Northern Region) National Council For Teachers Education, 4Th Floor, Jeevan Nidhi-Ii Lic Building Ambedkar Circle, Bhawani Singh Marg, Jaipur.-302005

----Respondents

D.B. Special Appeal Writ No. 499/2024

Ajay Singh Maderna Son Of Shri Mool Chand, Aged About 45 Years, Resident Of V And P. Nagla Terhiya, Tehsil Roopvas, District Bharatpur (Rajasthan)

----Appellant

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Education Department, Government Of Rajasthan, Govt. Secretariat, Jaipur.
2. Rajasthan Subordinate And Ministerial Service Selection Board, Jaipur, Through Its Secretary, Rsmssb, State Agriculture Management Institution Premises, Durgapura, Jaipur-302018
3. Director, Secondary Education, Rajasthan, Bikaner-





334001

4. National Council For Teachers Education, Through Its Director, Hans Bhawan, Wing-Ii, Bahadur Sah Zafar Marg, New Delhi. 110002
5. Regional Director (Northern Region) National Council For Teachers Education, 4Th Floor, Jeevan Nidhi-Ii, Lic Building, Ambedkar Circle, Bhawani Singh Marg, Jaipur.- 302005

----Respondents

For Appellant(s) : Mr.Rajendra Kumar Soni, Adv.
Mr.R.D. Meena, Adv.
Mr.Hemant Kumar Singh, Adv.
Mr.Harshvardhan Meena, Adv.

For Respondent(s) : Mr.Kinshuk Jain, Adv. with Mr.Jai Upadhayay, Adv. & Mr.Parth Khandal, Adv.
Mr.S.M. Sharma, AAAG.
Mr.Naman Maheshwari, AGC.
Mr.Vishwas Fatehpuria, Adv.
Mr.Nalin G. Narain, Adv.
Mr.Aditya Sharma, Adv. & Ms.Shreya Khandal, Adv. for Mr.Satish Kumar Khandal, Adv.

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE MANEESH SHARMA

JUDGMENT

27/11/2025

ORAL

REPORTABLE

CMCW No.431/2024 in SAW No.499/2024:-

Matter comes up on the misc. application filed under Section 5 of the Limitation Act seeking condonation of delay of 548 days in filing the appeal.

For the reasons stated therein, the application is allowed.
Delay in filing the appeal is condoned.





1. With the consent of learned counsel for the parties, the matters are taken up on board for deciding these appeals finally.
2. The controversy involved in these appeals is identical and hence, are decided by a common order. For convenience, the facts are being taken from lead case bearing *D.B. SAW No.152/2023*.
3. Challenge in the appeal (*D.B. SAW No.152/2023*) is to the order dated 25.11.2022 passed by the learned Single Judge.
4. Learned counsel for the appellant submits that the learned Single Judge has clearly proceeded to decide the writ petition in the light of judgment passed in the **Ganesh Narayanmali & Ors. Vs. State (Education Department) & Ors.** reported in **MANU/RH/291/2016**, wherein, after considering the provisions of law, the Court found that the B.P.E Three Years course has been treated as equivalent professional qualification vide letter dated 15.07.2015. Although, the advertisement does not speak of equivalent qualification. It has further proceeded to support neither under the scheme of Rajasthan Educational Subordinate Service Rules, 1971 (for short '1971 Rules') nor in the advertisement dated 18.09.2013, there is any provision prescribed for equivalent qualification. The holders of B.P.E. three year degree course are not holding the qualification of B.P.Ed.
5. Learned counsel for the appellant submits that so far as the appellant is concerned, she has been qualified Bachelor in Physical Education and in short, it is mentioned as B.P.E. Three year degree course.





6. Learned counsel for the appellant submits that Bachelor of Physical Education (B.P.Ed.) is not different from the Bachelor of Physical Education (BPE) three year degree course except that there are two different courses; one is of three years and the other is of one year and therefore, the appellant ought not to have been denied the consideration for appointment as Physical Training Instructor (PTI) Grade-III for which the advertisement was issued and their qualification ought to have been taken into consideration and appointment ought to have been given to them. However, taking into consideration the aforesaid judgment, learned Single Judge has deprived the appellant from consideration for appointment.

7. Per contra, learned counsel appearing for the respondents submits that the B.P.Ed. Course is different from B.P.E. Course and the advertisement only allows the B.P.Ed. Course, National Council for Teacher Education ('NCTE') allows only the B.P.Ed. Course, thus, the appellant ought not to have been given any indulgence. It is further submitted that learned Single Judge has rightly relied upon the order passed in the case of **Ganesh Narayanmali** (supra).

8. We have carefully considered the submissions.

9. The appellant had challenged the non-consideration for appointment under the advertisement dated 04.05.2018 which required educational qualification of the B.P.Ed. Bachelor of Physical Education as recognized by the NCTE or CPED i.e. Diploma in Physical Education (D.P.Ed) or a Certificate in Physical Education (C.P.Ed).





10. The appellants in these cases had been awarded the three year Bachelor of Physical Education degree course from the respective University, are as follow:-

Case No.	Appellant-Petitioner	University	Division
SAW No.152/2023	Bimala Kumari	Nagpur University	First
SAW No.82/2023	Rajendra Singh Khichar	Mohan Lal Sukhadia University, Jodhpur	First
SAW No.84/2023	Jagdish Chand Damor	Nagpur University	First
	Archana Kumari	Rashtrasant Tudadarji Maharaj Nagpur University	First
	Shanti Lal Damor	Nagpur University	First
	Chetan Lal Huvor	Nagpur University	First
	Sukhlal Tabiyar		
	Jitendra Kumar Damor	Nagpur University	First
	Kalu Ram Bheel	Nagpur University	First
	Shiv Lal Baranda	Nagpur University	First
	Phool Shankar Katara	Nagpur University	Second
	Rajesh Kumar Pandwala	Nagpur University	First
	Magan Lal Huvor	Nagpur University	First
SAW No.99/2023	Sumitra Kumari (Sumitra Choudhary)	Nagpur University	First
SAW No.151/2023	Sanjesh Kumar Khatik	Nagpur University	First
	Batti Lal Meena	Amrabati University	First
	Ramji Lal Meena	Nagpur University	First
	Govind Sahai Sharma	Nagpur University	First
	Lal Singh Beniwal	Nagpur University	First
	Mahesh Chand Khatik	Nagpur University	First
	Ashok Kumar Chauhan	Nagpur University	First
	Mohar Singh	Amravati University	First
	Subran Singh	Amrabati University	First
SAW No.499/2024	Ajay Singh Maderna	Nagpur University	First

11. The NCTE was impleaded as a party to the proceedings and specific reply was filed on behalf of the NCTE, wherein, it has been stated in para-7 as under:-

“That the content of Para No.7 of the writ petition are admitted being matter of record anything contrary to the records are denied. Further, it is necessary to submit that the NCTE granted recognition/permission to Physical



Education Programme Bachelor of Physical Education (BPE) three years degree course and NCTE also clarified that it is also professional qualification and person who have opt this education is eligible to be appointed on the post of PTI Teacher and NCTE has also clarified that Bachelor of Physical Education (BPE) is equivalent to Bachelor of Physical Education (BPEd)."

12. From perusal of the above, it is apparent that a person who has qualification of Bachelor of Physical Education (BPE) Three Year Degree Course is eligible to be appointed on the post of P.T.I. Teacher. The NCTE has recognised the said qualification as same as to Bachelor of Physical Education (BPE) and Bachelor of Physical Education (B.P.Ed). The short form of B.P.E is not reflected in the degree awarded to the appellant and it appears that the word 'B.P.E.' is only to denote the course of three years and in no other way that it can be said to be different from BPEd which is only of one year. In fact, a course which is of lesser duration cannot be said to be lesser qualification than that of a course of one year.

13. In the circumstances, we hold that a person who possesses the qualification of Bachelor of Physical Education on completing the three year degree course would be eligible to be appointed as PTI Grade-III and the non-consideration of such a candidate merely by using a short form of 'BPE' and distinguishing it from 'BPEd' is a misnomer and an attempt to deprive the more meritorious candidates from appointment.

14. We, therefore, direct that candidature of the appellant shall be considered on merits and if the appellant is found suitable as per the terms of the advertisement, she would be given benefit of





consideration for appointment from the date persons lessor to her in the merit having been so appointed with all consequential benefits. However, the benefits will have to be treated as notional but her seniority and her pay fixation notionally shall be done from the date the other persons have been so granted. The actual benefits shall be granted to the appellants-petitioners from the date when the writ petitioners filed the writ petitions.

15. In view of the above, the special appeals are allowed.

16. It is made clear that implementation of this order be made within a period of two months from today.

17. A copy of this order be placed in each connected writ petition.

(MANEESH SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

Himanshu Soni/56-61

