



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

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI

ON THE 07th OF JULY, 2025

WRIT APPEAL No. 1133 of 2025

TABASSUM SHAIK

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Rishabh Gupta – Advocate for appellant.

*Shri Sudeep Bhargava – Deputy Advocate General for the respondent
/ State.*

.....
ORDER

Per: Justice Binod Kumar Dwivedi

This writ appeal assails legality of the order dated 17/03/2025 (Annex.-P/1) passed by learned writ Court in Writ Petition No.5948/2024, whereby the learned writ Court has dismissed the writ petition.

02. Facts necessary for disposal of this writ appeal are that appellant / petitioner before the learned writ Court is a B.Sc. (Science) graduate with one subject as 'English Language'. She appeared for Middle School Teacher



Eligibility Test, 2018 conducted by respondent No.3 and was found eligible for her appointment as English or Science Teacher (Annex.-P/5).

03. Office of respondent No.4 issued an advertisement No.10503 dated 24/06/2021 inviting applications from those candidates who were found eligible as per the examination conducted by respondent No.3 for direct recruitment as Higher Middle School Teacher and Middle School Teacher (Annex.-P/6). The advertisement stated that the appointment will be as per Madhya Pradesh Tribal and Scheduled Teachers Class (Services and Recruitment) Rules, 2018.

04. A certificate (Annex.-P/7) was issued to the effect that appellant was present for document verification and her original documents were verified. Order (Annex.-P/8) of posting for eligible candidates as a Middle School English Teacher along with their postings was issued by respondent No.4, wherein the appellant secured a place at serial No.95. *Vide* letter dated 04/01/2022 addressed to respondent No.5 (Annex.-P/12) highlighted the concern that the appellant does not possess requisite qualification as per amended Rules dated 24/06/2019 and directed for appropriate steps to be taken for cancellation of her candidature and appointment. Pursuant thereto respondent No.4 *vide* order dated 18/02/2022 cancelled the appointment of appellant as Middle School English Teacher on the ground that she could not produce documents which reflect that she graduated in English Literature as



required by amended Rules.

05. The order dated 18/02/2022 passed by the respondent No.4 was challenged before the learned writ Court and the learned writ Court *vide* order dated 17/03/2025 passed in Writ Petition No.5948/2024 has dismissing the writ petition by observing as under:

“9] *On due consideration of submissions, perusal of the documents filed on record and also taking into account the advertisement which has been placed on record subsequently by the counsel for the respondents, in which it is clearly provided that the candidate is required to hold the requisite educational qualification in the relevant subject only, this Court is of the considered opinion that no illegality has been committed by the respondent in passing the impugned order. It is also true that it has unnecessarily given a false hope to the petitioner which could have been avoided by the respondent, but on that basis alone the petitioner cannot assert any legal right to be appointed as middle school teacher.*

10] *So far as the decision in the case of Smt. Madhuri Prajapati Vs. State of M.P. and Others (W.P.No.7912/2022, dated 13.10.2023) is concerned, the facts are different and in that case, the advertisement did not have the same condition as in the present case.*

11] *In view of the same, no case for interference is made out.*

12] *Accordingly, the petition being devoid of merits is*



hereby dismissed.”

Aggrieved by the impugned order, the appellant has preferred this writ appeal.

06. Learned counsel for the appellant submits that learned writ Court has failed to appreciate that appellant is a Science Graduate, who has also studied English as a subject of her graduation. The requirement under 2018 Rules was only 'English Language', whereas by amendment in 2019 Rules requirement of 'English Literature' has been introduced. He further submits that respondent No.4 has incorrectly relied upon Annex-R/2 (annexed with the Writ Petition No.5948/2024), which provides for selection procedure and the manner in which the examination should be conducted. It does not reflect the eligibility criteria for the selection of the appellant as an English Teacher.

07. Learned counsel further submits that Teacher's examination related eligibility test does not mention about any pre-requisite qualification subject mandated for appointment as an English Teacher. If it was found by the respondent No.4 that appellant was not eligible for appointment as Middle School English Teacher, alternatively, appellant should have been given posting as a Science Teacher, which she has already qualified through Teacher's Eligibility Test conducted by respondent No.3.

08. He further submits that learned Single Judge has failed to consider



that the Rules of appointment cannot be changed midway. For this, learned counsel has placed reliance upon the judgment by the Apex court in the case of **Tej Prakash Pathak Vs. Rajasthan High Court** reported in **2024 INSC 847**. Appellant possesses her masters degree in English i.e. M.A. In English from recognized University. On these submissions, learned counsel prays for allowing this appeal extending the relief as prayed in Writ Petition No.5948/2024 by setting aside the impugned order dated 17/03/2025 passed by the learned writ Court.

09. Learned counsel appearing on behalf of the respondents / State has vehemently opposed the arguments advanced on behalf of the appellant while supporting the impugned order passed by learned writ Court on the ground that in the year 2019 Rules have been changed and now it is essential qualification for being appointed as Middle School Teacher to be having graduate degree in the subject for which the candidate aspires for being a Teacher.

10. He further submits that since the appellant has studied English as only a subject while pursuing her graduation in Science subject, she was not possessing qualification required for being posted as Middle School English Teacher, therefore, there can be no estoppel against law. No illegality has been committed by the learned writ Court in rejecting her appointment and learned Single Judge while taking all these aspects into consideration has affirmed the



cancellation order by dismissing the writ petition, which cannot be taken exception too. On these submissions, learned counsel prays for dismissing the writ petition.

11. Heard and considered the rival submissions raised at bar by learned counsel for the parties and perused the record.

12. It is not in dispute that appellant has obtained her graduate degree in Science subject, in which English was also a subject. Annexure-R/2, which is a circular No.04/126/2018/25/1, Bhopal dated 14/09/2018 dealing with the procedure of employment of Higher Middle School Teacher. It is relevant for the purpose, which has been relied upon by the respondents. Para 1.2 and 1.4 of the circular runs as under:

“(1.2) माध्यमिक विद्यालयों में अध्यापन कार्य हेतु नियोजित किये जाने वाले माध्यमिक शिक्षक की पात्रता पारीक्षा विषयवार होगी । परीक्षा में विषय गणित, विज्ञान, सामाजिक विज्ञान, हिन्दी, अंग्रेजी, संस्कृत एवं उर्दु होंगे। गणित विषय के अंतर्गत अभ्यर्थी को गणित अथवा भौतिक शास्त्र अथवा इंजीनियरिंग विषयों के साथ स्नातक उपाधि धारित करना अनिवार्य होगा। विज्ञान विषय अंतर्गत रसायन शास्त्र, वनस्पति विज्ञान, प्राणी विज्ञान, माइक्रो बायोलॉजी, बायोलॉजी, बायोटेक्नोलॉजी, कम्प्यूटर, बायोइन्फरमेट्रिक्स में से किन्ही दो विषयों के साथ स्नातक उपाधि धारित करना एवं सामाजिक विज्ञान विषय अंतर्गत इतिहास, राजनीति शास्त्र, अर्थशास्त्र, भूगोल, सामाजिक शास्त्र एवं वाणिज्य विषय में से किसी एक विषय के साथ स्नातक उपाधि धारित करना अनिवार्य होगा। स्नातक उपाधि निर्धारित प्रतिशत के साथ नियम



में उल्लेखित प्रावधान अनुसार धारित करना अनिवार्य होगा।

(1.4) माध्यमिक शिक्षक तथा उच्च माध्यमिक शिक्षक के पद पर चयन हेतु आवेदक को उसी विषय के साथ पात्रता परीक्षा उत्तीर्ण करना अनिवार्य होगा, जिस विषय की वह शिक्षण योग्यता धारित करता है।”

From perusal of the aforesaid stipulation, it is clear that for being appointed as Middle School Teacher the candidate should possess graduate degree in the subject, which she opts for being appointment. As is apparent from Annex.-R/1, appellant was having only English subject in her graduation and she is not graduate in English subject, therefore, she was not entitled to apply for the post in question. Mere her passing TET examination, which is not per-requisite condition for being appointed as a Teacher, will not entitle her to be appointed for the subject i.e. English in the instant case for which she has no graduation degree, therefore, arguments advanced in this regard cannot be come to her rescue.

13. Learned writ Court taking into account all these aspects including “Old Rules of 08/08/2018 and New Rules of 24/06/2019” has come to the conclusion that for being appointed as Middle School Teacher for the English subject, she should have been graduate in English Literature rather than graduate only, therefore, repelled the reasoning adopted by the appellant in this regard.



14. In light of the aforesaid, this Court is of the considered view that the learned Writ Court has not committed any error in upholding the impugned order and dismissing the writ petition. *Ex consequentia* this appeal *sans* merit, fails and is hereby dismissed.

Certified copy as per rules.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE

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