

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

MONDAY, THE TWENTIETH DAY OF FEBRUARY,  
TWO THOUSAND AND SEVENTEEN

:PRESENT:

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

AND

**THE HON'BLE SRI JUSTICE N. BALAYOGI**

**WPMP.NO:7078 of 2017**

IN

**WP.NO:5802 of 2017**

Between:

- 1 The District Educational Officer, Anantapuram, Ananthapuram District
- 2 The Commissioner and Director of School Education, Andhra Pradesh, Anjeneya Towers, B-Block, Ibrahimpatnam.
- 3 The State of Andhra Pradesh, Rep. by its Principal Secretary, School Education Department, Secretariat, Velagapudi, Guntur District.

...Petitioners

(Petitioners in WP 5802 of 2017  
on the file of High Court)

AND

- 1 M.S.Aparna, D/o M.V.Srinivasa Murthy, working as SGT (Telugu) MPP School (South), Kalyandurgam, Ananthapuram District, R/o D.No.4-122, 2<sup>nd</sup> Road, Georgepet, Ananthapur.
- 2 M.S.Aruna Durga, D/o M.V.Srinivasa Murthy (Telugu) working as SGT, MPPS, Y.T.Chervu, Guntakal Mandal, Ananthapur District, R/o D.No.17/1145 C9, Rajendranagar, Guntakal, Ananthapur District.
- 3 A.Abdul Razaak, S/o R.Hasan Basha, Working as SGT (Urdu), MPP School (Urdu), Kota Street, Uravakonda Village & Mandal, Ananthapur District R/o D.No.10-5-197, Ranga Street, Uravakonda, Ananthapur District.
- 4 S.Dada Khalandar, S/o S.Abdul Shukur, Working as SGT (Urdu) MPP (Urdu) School (Main), Bathalapalli Village & Mandal, Ananthapur District R/o D.No.18-1-519-A, Venugopal Nagar, Ananthapur District.
- 5 S.Kareemunnisa, D/o S.Mohiuddin, working as SGT (Urdu), MPP School, 10<sup>th</sup> ward, Gooty Village and Mandal, Ananthapur District, R/o D.No.505/E, Kasapuram Road, Guntakal, Ananthapur.
- 6 P.Rama Devi, D/o P.Rangaiah, working as SGT (Telugu) MPP School (Main), Lepakshi Village & Mandal Ananthapur District, R/o D.No.5-2-91, Pulamathi Road, Lakshrnipuram, Hindupur Mandal, Ananthapur District.
- 7 K.S.Ismail Khan, S/o P.Samiulla Khan, working as SGT (Telugu), MPP School, Lepakshi (Village & Mandal), Ananthapur District, R/o D.No.5-9-121, Pulamathi Road, Rahamathpur, Hindupur Mandal Ananthapur.

.....Respondents/Applicant in OA No.3129/2016

- 8 The Andhra Pradesh Administrative Tribunal, rep. by its Registrar, Purani Haveli, Hyderabad.

...Respondent(s)

(Respondents in-do-)

**Counsel for the Petitioners : GP FOR SERVICES (AP)**  
**Counsel for the Respondents : -----**

Petition under Section 151 of C.P.C. praying that in the circumstances stated in the affidavit filed in the W.P. the High Court may be pleased to suspend the operation of the orders dated 16-12-2016 made in OA.No.3129 of 2016 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad pending disposal of WP No. 5802 of 2017 on the file of the High Court.

The Court, while directing issue of notice to the Respondent herein to show cause as to why this petition should not be complied with, made the following

order.(The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER**

Learned Government Pleader states that a similar issue fell for consideration before this Court in W.P.No.31532 of 2015 and this Court confirmed the judgment of the Tribunal on the same lines as was taken by the Tribunal in the order presently under challenge. She would further point out that the aforesaid judgment of this Court was stayed by the Supreme Court in C.C.No.16328 of 2016.

In that view of the matter, there shall be interim suspension as prayed for.

**Sd/-P. VENKATA RAMANA**  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 M.S.Aparna, D/o M.V.Srinivasa Murthy, working as SGT (Telugu) MPP School (South), Kalyandurgam, Ananthapuramu District, R/o D.No.4-122, 2<sup>nd</sup> Road, Georgepet, Ananthapur.
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- 8 The Registrar, Andhra Pradesh Administrative Tribunal, Purani Haveli, Hyderabad. ( 1 to 8 by RPAD)
- 9 Two CCs to GP for Services (AP), High Court at Hyd. (OUT)
- 10 Two spare copies.

**BJLB**



ITEM NO.1A  
(For Judgment)

COURT NO.9

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.26876/2016

(Arising out of impugned final judgment and order dated 22/04/2016 in WP No.31532/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

STATE OF ANDHRA PRADESH AND ORS.

Petitioner(s)

VERSUS

SHAIK MAHIBULLA SHARIEF

Respondent(s)

Date : 22/02/2017 This petition was called on for pronouncement of judgment today.

For Petitioner(s) Ms. Prerna Singh, adv.  
For Mr. Guntur Prabhakar, Adv.

For Respondent(s) Mr. Sadineni Ravi Kumar, Adv.

Hon'ble Mr. Justice L. Nageswara Rao pronounced the non-reportable Judgment of the Bench comprising of Hon'ble Mr. Justice S. A. Bobde and His Lordship.

Leave granted.

The appeal is dismissed in terms of the signed non-reportable judgment.

Pending interlocutory applications, if any, stand disposed of.

(Sanjay Kumar-II)

Court Master

(Signed non-reportable judgment is placed on the file)

(Indu Pokhriyal)

Court Master



**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No.3094 of 2017  
(Arising out of SLP (C) No.26876 of 2016)

STATE OF ANDHRA PRADESH AND ORS.

.... Appellant(s)

Versus

SHAIK MAHIBULLA SHARIEF

....Respondent(s)

**J U D G M E N T**

**L. NAGESWARA RAO, J.**

Leave granted.

The Appellants were directed by the Andhra Pradesh Administrative Tribunal at Hyderabad (hereinafter referred to as the 'Tribunal') to consider the Respondent for appointment

Signature invalid

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Signature  
by  
SHAIK  
MAHIBULLA  
SHARIEF  
18-04-2017  
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Resubmit

to the post of Language Pandit (Telugu) Grade-II. The High Court confirmed the said direction by dismissing the Writ Petition filed by the Appellants. The Appellants have filed

this Appeal challenging the correctness of the judgment of the High Court.

2. The Appellant-State issued a notification for recruitment of teachers in Government schools. The Respondent applied for the post of Language Pandit (Telugu). He participated in the selection process and secured rank No.1195. His name was included in the provisional selection list of Language Pandit (Telugu) Grade-II under the B.C. (E) quota for East Godavari District. There were five posts earmarked for B.C.(E) category. The Respondent was one of two candidates selected in the said category. As the Respondent was not selected and appointed, he approached the Andhra Pradesh Administrative Tribunal by filing O.A. No.10250 of 2012. An interim order was passed by the Tribunal on 26.12.2012 by which the Appellants were directed to consider the case of the Respondent for appointment as Language Pandit (Telugu).

3. The Respondent passed BA with History, Economics and Political Science in the year 1998 and B.Ed. with Telugu and Social Studies as methodology subjects in the year 2005. He also passed BA in Telugu literature as a single subject from Dr. B.R. Ambedkar Open University, Hyderabad in the



year 2007. He also completed MA in Telugu in distance mode from Dr. B.R. Ambedkar Open University in the year 2013. The Appellants contended before the Tribunal that the Respondent was not eligible for appointment as he did not possess the requisite educational qualifications. The Appellants relied upon the Andhra Pradesh Direct Recruitment for the post of Teachers (Scheme of Selection) Rules, 2012. According to Rule 4 (2) (iii) (a) of the said Rules, the qualification prescribed for the post of Language Pandit (Telugu) is as follows:-

“Must possess a Bachelor’s Degree with Telugu as the main subject or one of the three equal optional subjects or Bachelor’s Degree in Oriental Language in Telugu (BOL) or its equivalent or a Post Graduate Degree in Telugu and B.Ed with Telugu as methodology or Telugu Pandit Training or its equivalent.”

4. The Tribunal held that the Respondent possessed B.Ed. degree with Telugu and Social Studies as methodology subjects and BA in Telugu literature as single subject from Dr. B.R. Ambedkar Open University. According to the Tribunal, the Respondent was eligible for being considered for appointment as Language Pandit (Telugu) as the Rules did not disqualify a degree from Dr. B.R. Ambedkar Open University. On the basis of the said findings, the Tribunal

directed the Appellants to consider the case of the Respondent for appointment to the post of Language Pandit (Telugu) Grade-II.

5. The Appellants challenged the judgment of the Tribunal by filing a Writ Petition which was dismissed by the High Court by its judgment dated 22.04.2016. The High Court approved the judgment of the Tribunal on the ground that the Respondent possessed a degree exclusively in Telugu literature and it cannot be said that he was not qualified when a person who possessed a degree in Oriental Language in Telugu was qualified. The High Court also found fault with the Government in not seeking the opinion of Dr. B.R. Ambedkar Open University whilst determining the equivalence of the degree granted by it. The High Court also held that the Tribunal had correctly interpreted the Rules. The correctness of the judgment of the High Court is assailed in this appeal.

6. The appointment to the post of Language Pandit (Telugu) is governed by the Andhra Pradesh Direct Recruitment for the post of Teachers (Scheme of Selection) Rules, 2012. Rule 4(2) (iii) (a) contemplates that the educational qualifications for appointment to the above post is a bachelor's degree in Telugu as main subject or one of the



three equal optional subjects or bachelor's degree in oriental language in Telugu, (BOL) or its equivalent or a post graduate degree in Telugu and B.Ed. with Telugu as methodology or Telugu Pandit Training or its equivalent. The Respondent passed BA with History, Economics and Political Science and holds a bachelor's degree in Telugu as a single subject from Dr. B.R. Ambedkar Open University. He also has B.Ed. with Telugu as methodology. The question that arises for consideration in this case is whether the said bachelor's degree in Telugu literature as a single subject from Dr. B.R. Ambedkar Open University is equivalent to a bachelor's degree with Telugu from other Universities. Reliance is placed by Ms.Prerna Singh, counsel for the Appellant-State on memo No.18103/Ser.VI-1/2005 dated 03.10.2005 issued by the Government of Andhra Pradesh. The said memo pertains to a qualification issued with regard to transfer of teachers/officers and rationalisation of schools in respect of single subject certificate course of Dr. B.R. Ambedkar Open University. As per para 7 of the said memo, the certificate issued by Dr. B.R. Ambedkar Open University after completion of a single subject course was not a degree and that the single subject certificate holders of Dr. B.R.

Ambedkar Open University were not eligible for promotion to the post of School Assistant. As the degree possessed by the Respondent was not equivalent to a degree from the other Universities as prescribed by the Rules, the Counsel for the Appellant-State submitted that the Respondent was not eligible for appointment to the post of Language Pandit (Telugu). Mr. V.V.S. Rao, learned Senior Counsel appearing for the Respondent referred to G.O.Rt.No.556, Education (SE.SER.VII) Department dated 04.10.2005 by which the Government permitted the Director, School Education, Andhra Pradesh, Hyderabad to appoint candidates who have a bachelor's degree and a B.Ed. degree and have acquired a single subject certificate in the relevant subject from Dr. B.R. Ambedkar Open University. The said orders were made applicable for DSC-2003 candidates only. He also referred to a memo dated 24.05.2008 of the Government of Andhra Pradesh by which the Director of School Education, Hyderabad was permitted to appoint selected candidates of DSC-2003 who have acquired single subject (English) certificate for the post of School Assistant (English) as per their merit in the notified vacancies. The learned Senior Counsel submitted that the memo dated 03.10.2005 is not



applicable to fresh appointments as it relates to rationalisation of schools and transfer of teachers.

7. We are of the opinion that the judgment of the High Court does not warrant interference. Admittedly, the Respondent possesses BA with History, Economics and Political Science and B.Ed. with Telugu and Social Studies as methodology subjects. He also possesses BA in Telugu literature as a single subject from Dr. B.R. Ambedkar Open University. The question that falls for our consideration is whether the qualification of BA Telugu literature as a single subject from Dr. B.R. Ambedkar Open University can be considered as equivalent to bachelor's degree with Telugu as main subject. We are in agreement with Mr. Rao that the memo dated 03.10.2005 is a clarification pertaining to transfer of teachers/officers and rationalisation of schools. The directions given by the Government to the Director of School Education which are referred to supra would clearly show that the degree issued by Dr. B.R. Ambedkar Open University was considered to be equivalent to any other degree in respect of a selection conducted in the year 2003. If the Government has considered the degree issued by the Dr. B.R. Ambedkar Open University as equivalent to any other degree for DSC-2003 and permitted appointment of



similarly situated persons, there is no reason why the Respondent can be said to be ineligible. There is nothing in the Rules which makes a degree issued by Dr. B.R. Ambedkar Open University which is recognised by the University Grants Commission (UGC) from being considered as equivalent to any other degree.

8. For the abovementioned reasons, the Appeal is dismissed. No costs.

.....J  
[S. A. BOBDE]

.....J  
[L. NAGESWARA RAO]

New Delhi,  
February 22, 2017