

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 33576 OF 2024

Between:

1. Arakula Yadaiah, S/o. Arakula Jangaiah Aged about 40 years, Occ. Un-employee R/o. H.No.3-32/1, Talakondapally Rangareddy District, Telangana.
2. Akula Sunitha, D/o. Akula Anjaiah Aged about 39 years, Occ. Un-employee R/o. Anajipuram Village, Mothkur Mandal Nalgonda District, Telangana.
3. Kethavath Ravindar, S/o. Kethavath Hanumanth Aged about 41 years, Occ. Un-employee R/o. H.No.1-18, Narasaipally Ananthapuram, Mahaboobnagar District Telangana.
4. Animigari Shekher, S/o. Animigari Pentaiah Aged about 42 years, Occ. Un-employee R/o. H.No.2-38/2, Polepally Amangal, Mahaboobnagar District Telangana.
5. Dandetikar Narsingh, S/o. Dandetikar Veeroji Aged about 44 years, Occ. Un-employee R/o. H.No.3-36, Vinjamoor Nalgonda District, Telangana.
6. Lambadi Raju, S/o. Lambadi Pool Singh Aged about 31 years, Occ. Un-employee R/o. H.No.10-28/5, Sangya Tanda Venkatapur, Medak District, Telangana.
7. Gundumalla Anjappa, S/o. Gundumalla Narsappa Aged about 37 years, Occ. Un-employee R/o. H.No.2-49, Maddur, Dorepalle Narayanpet District, Telangana.
8. Adhe Renuka, W/o. Yadagiri Aged about 39 years, Occ. Un-employee R/o. H.No.7-1689, Seetharampuram Miryalaguda, Nalgonda District Telangana.
9. Jammu Shashikala, W/o. Nomula Venkatiah Aged about 33 years, Occ. Un-employee R/o. H.No.1-39, Anajipuram Village, Mothkur Mandal, Nalgonda District Telangana.
10. Boga Nagaraju, S/o. Murali N Aged about 36 years, Occ. Un-employee R/o. H.No.14-71, Cherial Warangal District, Telangana.
11. Prakash Pavare, S/o. Pawar Srinivas Aged about 38 years, Occ. Un-employee R/o. H.No.6-5-23/2, Bali Complex Tandur, Rangareddy District Telangana.

...PETITIONERS

AND

1. Ministry of Education, Department of School Education and Literacy Rep by Secretary, Shastri nhawan, Dr Rajendra Prasad Rd, Rajpath Area, Central Secretariat New Delhi-110001.
2. The State of Telangana, Rep by its Special Chief Secretary, School Education Department, Telangana SNretariat, Hyderabad.
3. National Cour cil for Teacher Education(NCTE), Rep by Chairman, Office at G-7, Sector-10, Dwarka Near Metro Station, New Delhi.
4. Telangana State Teacher Education Test Cell (TG-TET), Rep by Chairperson, O/o the Director, SCERT, Opp. E. Gate, LB Stadium, Basheerbagh, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, order or direction more particular one in the nature of a Writ of Mandamus declaring the action of Respondent.No.3 in framing Guidelines for conducting Teacher Eligibility Test(TET) vide Notification. No. 76-4/ 2010/ NCTE/ Acad dated 11.02.2011, especially clause(iv)(c) of Paper-II of Guideline.No.7, where Petitioners who belong to other category teachers are forced to opt either for Clause(iv)(a) i.e., Mathematics and Science Paper or Social Studies paper who are unequals and treating them as equals with Mathematics and Science teachers and Social studies Teachers and further the action of Respodnent.No.2 in adopting the said Guidelines vide Go.Ms.No.36 dt.23.12.2015 and action of Respondent.No.4 in following the said Guidelines in conducting Telangana State Teacher Eligibility Test-(TG-TET) 2024-II vide Notification dt.04.11.2024 as illegal, Arbitrary, against principles of natural justice, violation of the provisions of the RTE Act 2009 and NCTE Act 1993 and violation of Petitioners right guaranteed under Article 14 and 16 of the Constitution of India and consequently set aside Clause(iv)(c) of Guideline 7 prescribed by Respondent. No. 3 vide Notification No. 76-4/ 2010/ NCTE/ Acad dt.11.02.2011 and set aside Guideline.No.7(b)(iv)(c) of Go.Ms.No.36 dt.23.12.2015 issued by Respondent.No.2 and set aside Note.7(b)(iv)(c) of Telangana State Teacher Eligibility Test-(TG-TET) 2024-11 vide Notification dt.04.11.2024 issued by Respondent.No.4

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend Note. 7(b)(iv)(c) of Telangana State Teacher Eligibility Test-(TG-TET) 2024-II vide Notification dated 04.11.2024 issued by Respondent.No.4 pending disposal of the present Writ Petition

Counsel for the Petitioners: SRI. SIRIPURAM KESHAVA

**Counsel for the Respondent No.1: SRI GADI PRAVEEN KUMAR Dy. SOLICITOR
GEN. OF INDIA**

**Counsel for the Respondent Nos.2 & 4: SRI T. VENKAT RAJU GP FOR
SCHOOL EDUCATION DEPARTMENT**

Counsel for the Respondent NO.3: SRI N. ANANEESH

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.33576 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Siripuram Keshava, learned counsel for the petitioners.

Mr. T.Venkat Raju, learned Government Pleader for School Education Department for the respondents No.2 and 4.

Mr. N.Ananeesh, learned counsel for the respondent No.3.

2. Heard on the question of admission.
3. In this writ petition, the petitioners have assailed the validity of clause (iv)(c) of Paper II of Guideline No.7 of the Guidelines for conducting Teacher Eligibility Test on the ground that the same is arbitrary.

4. Facts giving rise to filing of this petition briefly stated are that the petitioners have obtained the Bachelor Degree in Telugu and Bachelor of Education Degree in Telugu Literature. The recruitment to the post of Teachers of various categories in the State of Telangana is governed by the Telangana Direct Recruitment for the post of Teachers (Scheme of Selection) Rules, 2023. In order to be appointed as a Teacher, a candidate is required to pass the qualifying examination, namely Teacher Eligibility Test (TET).

5. The National Council for Teacher Education (NCTE) has framed the Guidelines for conducting Teacher Eligibility Test. As per the said guidelines, a candidate seeking appointment as a Teacher to teach classes I to V is required to pass Paper I, whereas a candidate seeking appointment as a Teacher to teach classes VI to VIII is required to pass Paper II. The dispute in this writ petition pertains to Paper II. The relevant portion of the Guideline No.7 is extracted below for the facility of reference:

**“Paper II (for classes VI to VIII); No. of MCQs – 150;
Duration of examination: one-and-a-half hours**

Structure and Content

- (i) Child Development & Pedagogy (compulsory) 30 MCQs 30 Marks
- (ii) Language I (compulsory) 30 “ 30 “
- (iii) Language II (compulsory) 30 “ 30 “
- (iv) (a) For Mathematics and Science teacher: Mathematics and Science – 60 MCQs of 1 mark each
- (b) For Social Studies teacher: Social Studies – 60 MCQs of 1 mark each
- (c) for any other teacher – either 4(a) or 4(b)”

6. The aforesaid guideline has been challenged, *inter alia*, on the ground that the petitioners, who are language pandits, have been given option to appear in Mathematics and Science or in Social Studies only. It is further submitted that the aforesaid provision is arbitrary and discriminatory, as unequals are sought to be treated as equals.

7. We have considered the submissions made by the learned counsel for the petitioners and have perused the record.

8. The Guidelines for conducting Teacher Eligibility Test, which is a qualifying examination, have been framed

by the NCTE to ensure that competent persons are recruited as Teachers and they should possess the essential aptitude and ability to meet the challenges of teaching at the primary and upper primary levels. The subjects, namely Child Development and Pedagogy, Language I which is Telugu and Language II which is English as well as Mathematics, Science and Social Studies, are the subjects which are taught to the children at the primary as well as secondary level. A candidate seeking appointment as a Teacher, therefore, must have the basic knowledge in the aforesaid subjects. It is trite law that it is for the authority to prescribe the syllabi for an examination and the Court, in exercise of powers of judicial review, will interfere only when the syllabi fixed suffers from arbitrariness. In our considered opinion, the requirement of having basic knowledge in the subjects which are taught to children from classes I to VIII cannot be termed either as arbitrary or discriminatory.

9. In the result, the writ petition fails and is therefore dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. SIRIPURAM KESHAVA Advocate [OPUC]
2. One CC to SRI N. ANANEESH Advocate [OPUC]
3. One CC to SRI. GADI PRAVEEN KUMAR Dy. SOLICITOR GEN. OF INDIA [OPUC]
4. Two CCs to GP FOR SCHOOL EDUCATION DEPARTMENT, High Court for the State of Telangana at Hyderabad. [OUT]
5. Two CD Copies

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