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WP-8515-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 1st OF SEPTEMBER, 2026

WRIT PETITION No. 8515 of 2025

MAMTA ANJANA

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Jayesh Gurnani - Advocate for the petitioner.

Shri Lucky Jain - Advocate for the respondent No.4.

Shri Rishabh Singh Chouhan- Advocate for the respondent No.3.

Shri Raghav Raj Singh - Panel Lawyer for the respondents/State.
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ORDER

The petitioner has filed the present petition under Article 226 of the Constitution of India being aggrieved by the selection list dated 16.10.2024 issued by respondent No.2, whereby appointments were made to the post of Uchch Madhyamik Shikshak in the subject of Hindi, but the candidature of the petitioner was not considered on the ground that she did not possess the requisite educational qualification of having passed her Master's Degree in Second Division. The petitioner has also sought consequential directions for consideration of her candidature and appointment to the post in question. The petitioner has further sought a direction to respondent No.4-University to issue a fresh marksheet treating her result of M.A. (Hindi) as Second Division.



The short facts of the case are that the petitioner participated in the High School Teacher Eligibility Examination-2023 conducted by respondent No.3 and successfully qualified the same. Thereafter, she participated in the High School Teacher Selection Test-2023 and secured 19th rank in the Unreserved Female category and 53rd position in the consolidated merit list. Thus, according to the petitioner, she was a meritorious candidate and her candidature was liable to be considered for appointment to the post of Ucch Madhyamik Shikshak in Hindi subject. It is stated that at the stage of document verification, the candidature of the petitioner was withheld on the ground that she did not fulfil the educational qualification prescribed under Schedule III of the Madhya Pradesh School Education Service (Teaching Cadre) Service Conditions and Recruitment Rules, 2018 (for brevity "Rules of 2018"). The relevant qualification prescribed under the said Rules was Master's Degree in the relevant subject with Second Division and Bachelor of Education (B.Ed.) or its equivalent. The petitioner admittedly possesses M.A. in Hindi from Government College, Barwaha, affiliated to Devi Ahilya Vishwavidyalaya, Indore, and has also completed B.Ed. in First Division. The grievance of the petitioner primarily arises from the fact that she has obtained 47.62% marks in M.A. (Hindi), but respondent No.4-University has classified her result as Third Division. The petitioner contends that under the applicable rules governing the examination, 47.62% is liable to be rounded off and treated as 48%, which would entitle her to be classified in Second Division. It is further pleaded that the petitioner had submitted a representation dated 25.02.2025 before respondent No.4 seeking correction



of her marksheet, but no effective decision was taken thereon.

Learned counsel appearing for the petitioner submits that the action of the respondents in excluding the petitioner from the selection process merely because her marksheet records Third Division is arbitrary and unsustainable. It is submitted that the petitioner has secured 47.62% marks in M.A. (Hindi), and under Ordinance 31 and the General Rules of Examination of respondent No.4, the said percentage is liable to be rounded off. It is further submitted that the grading chart relied upon by respondents No.1 and 2 is not a statutory rule, ordinance, regulation or notification having the force of law and, in fact, is merely a screenshot obtained from an online portal. According to learned counsel, no statutory provision of the University has been placed on record which prohibits rounding off of the marks.

Learned counsel for the petitioner while referring to the judgment dated 17.03.2025 passed by the Division Bench of this Court at Jabalpur in the batch of petitions led by W.P. No.10018/2021 submitted that in the said judgment, the Division Bench has examined the very same qualification prescribed under Column 5 of Entry-I of Schedule III of the Rules of 2018 and has held the requirement of "Second Division" to be manifestly arbitrary and contrary to the NCTE Regulations. It is contended that the Division Bench has struck down the said requirement and directed that the qualifications prescribed by the NCTE shall govern the field. Learned counsel submits that paragraph 52 of the said judgment specifically protects the rights of candidates affected by the 2023 recruitment process and directs the State to conduct supplementary recruitment, giving an opportunity to



candidates who were either not permitted to participate or were declared ineligible in the 2023 recruitment process.

Learned counsel appearing for the State, on the other hand, submits that the candidature of the petitioner was rightly withheld at the stage of document verification as she did not fulfil the qualification prescribed under the Rules of 2018. It is submitted that as per the grading system applicable to Devi Ahilya Vishwavidyalaya, marks between 30.00 and 49.00 fall within Third Division and, therefore, the petitioner's 47.62% marks could not have been treated as 48%. It is contended that the petitioner cannot claim a Second Division by applying her own method of calculation.

Learned counsel for the State further submits that the requirement of Second Division was specifically incorporated in the Rules of 2018 and the State authorities were bound to follow the qualification prescribed therein at the time of the recruitment. According to the State, mere inclusion of the petitioner's name in the merit list prepared by respondent No.3 does not create any indefeasible right to appointment, particularly when she did not fulfil the prescribed educational qualification at the stage of document verification. On these grounds, dismissal of the petition is prayed for.

Learned counsel appearing for respondent No.3-Madhya Pradesh Employees Selection Board submits that respondent No.3 conducted the eligibility examination and the subsequent selection test in accordance with the recruitment process. The petitioner participated in the selection process and her name finds place in the relevant merit list. However, the final determination of eligibility on the basis of educational qualifications and



verification of the documents was to be undertaken by the concerned appointing/departmental authorities.

Learned counsel appearing for respondent No.4-Devi Ahilya Vishwavidyalaya submits that the petitioner has obtained 47.62% marks in M.A. (Hindi) and the University has classified her in Third Division in accordance with the applicable ordinances. It is submitted that the Ordinance relied upon by the petitioner is not applicable to the M.A. course pursued by her and M.A. (Hindi) course is governed by the relevant ordinances applicable to affiliated colleges. It is further submitted that under the applicable provisions, the petitioner having secured 47.62% marks does not fall within the category of Second Division. Respondent No.4 has also relied upon the provision relating to grant of grace marks, contending that the deficiency cannot automatically be converted into the requisite percentage merely by applying the principle of rounding off.

Heard learned counsel for the parties and perused the record.

The undisputed factual position emerging from the record is that the petitioner participated in the High School Teacher Eligibility Examination-2023 and thereafter in the High School Teacher Selection Test-2023. She secured 19th rank in the Unreserved Female category and 53rd rank in the consolidated merit list. Her candidature was thereafter withheld at the stage of document verification on account of the entry of Third Division in her M.A. marksheet. The petitioner has obtained 47.62% marks in M.A. (Hindi) and has also obtained B.Ed. qualification.

The controversy which now arises for consideration, however, cannot



be examined merely with reference to the original wording of the Rules of 2018. The legal position has undergone a material change on account of the subsequent judgment of the Division Bench of this Court at Jabalpur dated 17.03.2025 rendered in the batch of petitions including W.P. No.10018/2021.

In the aforesaid judgment, the Division Bench examined the very requirement contained in Column 5 of Entry-I of Schedule III of the Rules of 2018, i.e. "Masters Degree in the relevant subject with Second division and Bachelor of Education (B.Ed.) or its equivalent." The Division Bench noticed that different Universities adopt different standards for awarding Second Division, resulting in a situation where candidates having lesser marks could be treated as eligible while candidates having higher marks could be excluded merely because their respective Universities classified them differently. In paragraph 40 of the said judgment, the Division Bench considered the NCTE Regulations of 2014 and noticed that for Senior Secondary classes, the prescribed qualification was Post Graduate Degree with 50% marks and B.Ed. from National Council for Teacher Education recognized institution or Post Graduate with at least 45% marks (or its equivalent) from recognized University and Bachelor of Education (B.Ed.) from National Council for Teacher Education recognized institution (in accordance with the National Council for Teacher Education (Form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002 and National Council for Teacher Education



Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007 or Post Graduate with at least 50% marks (or its equivalent) from recognized University and B.A.Ed./B.Sc.Ed. from any NCTE recognized institution, the Regulations also recognized the position of candidates who had acquired the requisite qualification when the earlier NCTE Regulations of 2002 and 2007 were in force. Thus, the Division Bench held that the eligibility has to be considered with reference to the qualifications prescribed by the competent regulatory framework rather than by reference to an uncertain and varying concept of "Second Division" adopted by individual Universities.

The Division Bench thereafter, in paragraph 49, expressly held that Column 5 of Entry-I of Schedule III of the Rules of 2018 was liable to be struck down as being manifestly arbitrary and contrary to the NCTE Regulations. The Division Bench accordingly struck down the said entry and held that the minimum qualifications prescribed by the NCTE would govern the field in place of the impugned entry. It was further clarified that, since High School Teachers in Madhya Pradesh teach Classes IX to XII, the qualifications prescribed by the NCTE for Senior Secondary classes would be applicable to High School Teachers in Madhya Pradesh.

The aforesaid declaration of law directly affects the foundation on which the petitioner's candidature was withheld. The respondents cannot now sustain the exclusion of the petitioner merely by relying upon the expression "Second Division" contained in the very provision which has subsequently been struck down by the Division Bench. The basis on which the petitioner's



candidature was rejected, therefore, no longer survives in law.

The consequential directions issued by the Division Bench in paragraph 52 are also of considerable significance. The Division Bench held that the selection made pursuant to the recruitment process of 2018 would not be disturbed. However, since the recruitment process of 2023 had taken place during the pendency of those petitions and was subject to the outcome thereof, the State was directed to conduct a supplementary recruitment process in respect of the 2023 recruitment and to give an opportunity to all candidates who may be benefited by the judgment to participate in the recruitment test and process against the posts advertised for the 2023 recruitment. The Division Bench further protected the continuance of candidates already appointed in the 2023 selection by permitting the State to adjust them by creating supernumerary posts or against other or future vacancies, or in any other appropriate manner.

Thus, the judgment dated 17.03.2025 does not merely lay down an abstract principle regarding the validity of the qualification. It also provides a specific mechanism for extending the benefit of the judgment to candidates affected by the 2023 recruitment process. The petitioner is admittedly one such candidate, as she participated in the 2023 selection process and was excluded at the stage of document verification on the very ground which stood affected by the judgment of the Division Bench.

In view of the aforesaid declaration of law, this Court finds that the petitioner's candidature could not have been rejected solely on the ground that her marksheets records Third Division by applying the now-disapproved



requirement of Second Division contained in the Rules of 2018. The issue regarding the applicable educational qualification is required to be examined in accordance with the NCTE Regulations as interpreted and declared by the Division Bench. The consequential benefit of the judgment dated 17.03.2025 is also required to be extended to the petitioner in accordance with paragraph 52 thereof.

The impugned selection lists dated 16.10.2024, insofar as they exclude the petitioner from consideration on the ground of her not having secured Second Division in M.A. (Hindi), cannot be sustained and are hereby set aside to that extent. Respondents No.1 and 2 are directed to consider the candidature of the petitioner in accordance with the directions contained in the judgment dated 17.03.2025. The respondents shall also take into consideration the petitioner's educational qualification in the light of the law declared by the Division Bench and shall not reject her candidature merely on the ground that her University marksheet records her as having passed in Third Division under the erstwhile requirement contained in Column 5 of Entry-I of Schedule III of the Rules of 2018.

It is made clear that the petitioner shall be entitled to participate and compete against the vacancies advertised for the 2023 recruitment in terms of paragraph 52 of the judgment dated 17.03.2025. Her appointment, however, shall remain dependent upon her position in the merit list and fulfilment of all other eligibility conditions prescribed under the governing NCTE Regulations and recruitment framework.

The entire exercise shall be undertaken within three months from the



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date of the date of receipt of a certified copy of this order.

With the aforesaid directions, the writ petition stands **disposed of**.

No order as to costs.

(MILIND RAMESH PHADKE)
JUDGE

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