

COMBINATION ENGLISH PSCHOLOGY AND JOURNALISM AS ELIGIBILITY CRITERIA AT ANNEXURE-A AND B.

THIS W.P. COMING ON FOR PRELIMINARY HEARING, THIS DAY, **ALOK ARADHE J.**, MADE THE FOLLOWING:

ORDER

In this writ petition, the petitioner has prayed for the following reliefs:

(a) issue a writ of certiorari or any other order quashing the amendment of the schedule of Karnataka Education Department Services (Department of Public Instructions) (Recruitment) Rules, 1967 by way of notification dated 10.12.2021 vide NO.ED94PBS.2018 (Part III) and also the schedule imposing minimum qualification for the post of graduate primary teacher (Language) excluding the subjects Psychology and Journalism by virtue of Notification dated 22.02.2022 vide No.EP 89 PBS 2021 (Part-I) issued by the 2nd respondent vide Annexures-A and B

(b) Issue a writ of mandamus or any other order directing 2nd respondent to include the subject combination English, Psychology and

Journalism, as eligibility criteria at Annexures-A and B.

2. Facts leading to filing of this petition briefly stated are that the petitioners have obtained degree in Psychology and Journalism as well as Bachelors of Education. The petitioners have also passed teacher eligibility test and are employed as Teachers in private schools.

3. The Karnataka Education Department Services (Department of Public Instructions) (Recruitment) Rules, 1967 (hereinafter referred to as 'the Rules' for short) prescribed for qualification for recruitment to the post of Graduate Primary Teacher (Language). By way of notification dated 22.02.2022, the aforesaid minimum qualification was amended and the subjects namely Psychology and Journalism at the graduate level were excluded. The petitioners have challenged the validity of the aforesaid amendment to the Rules and seek a writ of mandamus directing the Prl. Secretary, Department of Primary and Secondary Education to include the subject

combination English, Psychology and Journalism as eligibility criteria.

4. We have heard the learned counsel for the petitioner. It is submitted that the qualification which has been prescribed for the amendment is contrary to the qualification prescribed by the National Council for Teacher Education. It is settled in law that qualification prescribed for appointment to the post has to be decided by an employer. The Courts cannot lay down the conditions or eligibility. The question of prescription of qualification is outside the domain of judicial review unless it is affected by manifest arbitrariness. **(See: MAHARASHTRA PUBLIC SERVICE COMMISSION Vs. SANDEEP SHRIRAM WARADE' AIR 2019 SC 2154).**

5. The prescription of qualification is a matter which is to be decided by experts. The provision could not be demonstrated to be suffering from manifest arbitrariness. The Government of Karnataka has prescribed the educational qualification in addition to the minimum

qualification prescribed by the National Council for Teacher Education. The prescription of qualification by way of amendment cannot be said to be in violation of the qualification prescribed by National Council for Teacher Education. Therefore, the prescription of qualification for recruitment to the post of Graduate Primary Teacher cannot be quashed. This Court cannot issue a writ of mandamus directing prescription of a particular qualification.

For the aforementioned reasons, we do not find any merit in the writ petition. The same fails and is hereby dismissed.

**Sd/-
JUDGE**

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JUDGE**

RV