

AFR
2025:AHC:81950
Reserved :- 08/05/2025
Delivered :- 17/05/2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

Court No. 6

Case :- WRIT - A No. - 25278 of 2014

Petitioner :- Azahar Ali

Through :- Sri K.S. Kushwaha, Advocate

vs.

Respondent :- State Of U.P. And 2 Others

Through :- B.P.S. Kachhwahah, I.R. Singh,

K.Shahi, Pradeep Upadhyay, Sanjay Kumar Srivastava,

Advocates

connected with

Writ A Nos. 14570/2024, 14851/2014, 15447/2024, 17490/2014,

17728/2014, 17730/2014, 17732/2014, 21700/2018,

23263/2018, 36109/2017, 57821/2014 and 8641/2022

CORAM : HON'BLE SAURABH SHYAM SHAMSHERY, JUDGE

1. In this bunch of writ petitions, S/Sri K.S. Kushwaha, Indresh Dubey, Navin Kumar Sharma, Awadh Narain Rai, A.C. Tiwari, Ms. Bushra Maryam, Mohd. Yaseen, Mahesh Sharma, A.K. Shukla, Advocates for all petitioners, S/Sri Rajeshwar Tripathi, C.S.C. along with A.K. Nagvanshi and A.C. Srivastava, Additional C.S.C. and Ms. Shruti Malviya, Brief Holder for State and S/Sri Sanjay Kumar Singh, Bhanu Pratap Singh Kachhwahah, K. Shahi, Vipin Bihari, Shivendra Singh Bhaduria, learned advocates for Basic Shiksha Parishad have appeared.

2. Writ petitioners in all writ petitions of present bunch have claimed that they have obtained Adib-E-Kamil from an Institute namely Jamia Urdu, Aligarh, Uttar Pradesh.

3. All writ petitioners have declared that they had passed Intermediate Exam from U.P. Board and thereafter they took admission in Adib-E-Kamil, a 1 year course (at relevant time) in Jamia Urdu, Aligarh and after one year, they have passed also.

4. All writ petitioners have appeared in U.P. Teachers Eligibility Test - 2013 conducted by Examination Regulatory Authority, U.P. and have cleared also.

5. All writ petitioners have participated in a recruitment process initiated in pursuance of Government Order dated 17.08.2013 for appointment of Assistant Teacher (Urdu Language) in Primary Schools run by U.P. Basic Education Board. The educational qualifications prescribed for appointment are mentioned hereinafter :-

“1- आवेदन हेतु पात्रता

शैक्षिक अर्हता-

(क) भारत में विधि द्वारा स्थापित किसी विश्वविद्यालय से स्नातक की उपाधि या सरकार द्वारा उसके समकक्ष मान्यता प्राप्त कोई उपाधि, जिसमें एक विषय के रूप में उर्दू रही हो। परन्तु कोई अभ्यर्थी जो उर्दू में उपर्युक्त अर्हता नहीं रखता है, नियुक्ति के लिये पात्र होगा, यदि अभ्यर्थी उर्दू विषय में स्नातकोत्तर उपाधि रखता हो।

(ख) सरकार द्वारा उर्दू अध्यापन के लिये प्रशिक्षण देने हेतु लखनऊ आगरा मवाना जिला मेरठ और सकलडीहा जिला चन्दौली में स्थापित किन्हीं प्रशिक्षण केन्द्रों में से किसी एक केन्द्र से बैसिक अध्यापक प्रमाण पत्र या सरकार द्वारा उसके समकक्ष मान्यता प्राप्त कोई अन्य प्रशिक्षण अर्हता या बैसिक अध्यापक प्रमाण पत्र (बी०टी०सी०) द्विवर्षीय बी०टी०सी० (उर्दू) और उ०प्र० सरकार या

भारत सरकार द्वारा संचालित अध्यापक पात्रता परीक्षा उत्तीर्ण किया हो।

अथवा

अलीगढ़ मुस्लिम विश्वविद्यालय से अध्यापन में डिप्लोमा (उर्दू अध्यापन हेतु) और उत्तर प्रदेश सरकार या भारत सरकार द्वारा संचालित अध्यापक पात्रता परीक्षा उत्तीर्ण किया हो।

अथवा

दिनांक 11.08.1997 के पूर्व मोअल्लिम-ए-उर्दू उपाधि (उर्दू अध्यापक हेतु) और उत्तर प्रदेश सरकार या भारत सरकार द्वारा संचालित अध्यापक पात्रता परीक्षा उत्तीर्ण किया हो। ”

6. All petitioners have claimed that they were included in merit list prepared on basis of quality marks and have participated in counselling. Some petitioners were granted appointment and joined. Some were granted appointment but schools were not allotted and others were waiting for appointment letters.

7. At this stage, a controversy/dispute arose that petitioners have passed their respective Intermediate Exam and Adib-E-Kamil degree in same year or have passed a 1 year course of Adib-E-Kamil in a period of less than one year. Composite inquiry was conducted and adverse orders were passed against petitioners, whereby their appointments were cancelled or they were not granted appointment and, therefore, they are before this Court.

8. Learned Advocates of all writ petitioners have argued that :-

(a) Any doubt on the institution namely Jamia Urdu, Aligarh, that it was not a recognized institute or it was only a name sake institute, where there was no teacher or class room was baseless as an issue in

regard to validity of a degree. Moallim-E-Urdu from same Institute (Jamia Urdu, Aligarh) was considered by this Court (Single as well as Division Bench) in **Sartaj Ahmed and Ors. Vs. State of U.P. and Ors. along with other writ petitions : 2018: AHC: 14798**, wherein a judgment passed by a Division Bench in Special Appeal (Defective) No. 315 of 2015 (C/M Sri Nageshwar Prasad Purva Madhyamik Vidyalaya vs. Nandji Yadav and others) was also considered and it was held that those who had taken admission in the Moallim-E-Urdu from Jamia Urdu, Aligarh on or before 11.08.1997, were entitled to be considered for appointment on the posts of Assistant Teacher, in Urdu in primary institutions run by Department of Basic Education, U.P. in pursuance of a G.O. dated 05.01.2016, therefore, same cut-off be provided for those who have passed Adib-E-Kamil from said Institution. Relevant part of **Sartaj Ahmad (supra)** is mentioned hereinafter :-

“7. The issue as to whether all those who had taken admission in the Moallim-E-Urdu training course on or before 11.8.1997 are entitled to be considered for appointment for the post in question is no longer left res integra. The issue in that regard stands concluded by the Division Bench Judgment in Special Appeal Defective No.315 of 2015, dated 8.5.2017, which is binding. This Court, therefore, has no hesitation in holding that all those petitioners who had taken admission in Moallim-E-Urdu training course on or before 11.8.1997 and have subsequently

cleared it are entitled to be considered for appointment to the post in question."

(b) Petitioners were not provided any opportunity to place their respective case since impugned orders were passed ex-parte.

(c) Learned advocates have submitted that there was no bar at relevant time to undergo two courses simultaneously. Absolute bar was imposed later on. They have referred a judgment passed by Division Bench of this Court in **Basic Shiksha Adhikari vs. Lakshmi Shakya and others, 2024:AHC:94194-DB.**

9. Per contra, learned counsel for State-respondents and learned advocates for concerned respondent-BSA have submitted that :-

(i) Jamia Urdu, Aligarh was not recognized by University Grants Commission.

(ii) It was an institute, which has distributed degrees by conducting courses without regular classes and without teachers.

(iii) The certificate of Adib-E-Kamil of petitioners were an outcome of fraud. Petitioners had completed one year course in less than a year or within 6 months and in same year they have passed Intermediate.

10. Now Court proceed to discuss and decide individual writ petition.

(1) Writ A No. 25278/2014 (Azahar Ali)

11. Petitioner has passed intermediate exam in the year 1995 and a certificate was issued on 26.07.1995. As per case of petitioner, he got admission in Jamia Urdu, Aligarh to pursue Adib-E-Kamil in July, 1995. Its exam was conducted in November, 1995 i.e. within 5 months and result was declared in July, 1996. A certificate placed on record clearly shows that petitioner has passed Moallim-E-Urdu examination held in February, 1997.

12. In aforesaid circumstances, petitioner has passed two courses (Adib-E-Kamil and Moallim-E-Urdu) between July, 1996 and February, 1997 i.e. in a very short period of 8 months i.e. though duration of both courses was 1 year.

13. According to respondents if the petitioner had given examination of Adib-E-Kamil in May, 1995, he must have taken admission a year ago i.e. July, 1994, when admittedly he was pursuing intermediate.

14. Above referred facts are glaring that petitioner has not completed his studies of one year for Adib-E-Kamil in a period of 5 months and passed two courses within 8 months despite both courses were of one year, hence, he undergone two courses in 8 months.

15. Aforesaid facts establish that Jamia Urdu, Aligarh was distributing degrees without proper classes. Therefore, petitioner has no right for appointment being ineligible.

16. Writ petition being devoid of merit is accordingly, **dismissed.**

(2) Writ A No. 57821/2014 (Mohammad Zaheer)

17. Petitioner has passed Intermediate Examination in 1993, Adib-E-Kamil in 1994 and Moallim-E-Urdu in 1995 and Graduation from Dr. B.R. Ambedkar University, Agra as a private candidate in 2001.

18. Petitioner has not disclosed about Adib-E-Kamil (1994) in the online form. According to online form, he has passed graduation in the year 2001 and before it, he had passed Moallim-E-Urdu in 1995, a course available after graduation. He has submitted all his certificates at the time of counselling but certificates were examined only on basis of online form.

19. The petitioner was himself at fault and has not submitted correct information in online form. In view of above, Court also takes note of reasons assigned in Azahar Ali (supra) which are squarely applicable to present case also.

20. Writ petition being devoid of merit is, accordingly, **dismissed.**

(3) Writ A No. 17490/2014 (Mohammad Atiq)

21. Petitioner's appointment was cancelled on a ground that he has passed Intermediate and Adib-E-Kamil in same year i.e. 1995.

22. Documents annexed along with this writ petition also show that petitioner has passed Intermediate Exam in the year

1995 and Adib-E-Kamil also in the year 1995 and further that examination of Adib-E-Kamil took place in November, 1995 i.e. a course of 1 year was completed within less than 6 months, therefore, reasons assigned in Azahar Ali (supra) are squarely applicable to present case also.

23. Writ petition being devoid of merit is, accordingly, **dismissed**.

(4) Writ A No. 14851/2014 (Uzma Anjum)

24. Candidature of petitioner was rejected on a ground that she has passed intermediate and Adib-E-Kamil in same year.

25. From bare perusal of documents annexed along with this writ petition, petitioner has passed intermediate in the year 1994 and Adib-E-Kamil also in the year 1994 and further that its examination was held in November 1994 i.e. a course of 1 year was concluded within very short period i.e. less than 6 months.

26. Therefore, reasons assigned in Azahar Ali (supra) are equally applicable to present case also.

27. Writ petition being devoid of merit is, accordingly, **dismissed**.

(5) Writ A No. 17728/2014 (Syed Mohammad Swale)

28. In present case, candidature of petitioner was cancelled on a ground that he has passed Graduation and Moallim-E-Urdu in same year i.e. 1996.

29. From bare perusal of documents annexed along with this writ petition, it is evident that petitioner has passed graduation, a 3 years degree course from Ruhelkhand University in the year 1996 and also passed Moallim-E-Urdu in the same year i.e. 1996 and he further disclosed that its examination was held in February, 1997, which means that course of 1 year was concluded within less than 6 months.

30. Therefore, reasons assigned in Azahar Ali (supra) are equally applicable to present case also.

31. Writ petition being devoid of merit is, accordingly, **dismissed**.

(6) Writ A No. 17730/2014 (Smt. Shabana Azmi)

32. In present case, appointment of petitioner was cancelled on a ground that she has passed graduation and Moallim-E-Urdu in same year i.e. 1996.

33. From bare perusal of documents, aforesaid facts are correct that petitioner has passed final year of graduation in the year 1996 and Moallim-E-Urdu in the same year. It is further disclosed that its examination was held in February, 1997 which is much less than period of course of Moallim-E-Urdu i.e. 1 year.

34. Therefore, reasons assigned in Azahar Ali (supra) are equally applicable to present case also.

35. Writ petition being devoid of merit is, accordingly, **dismissed**.

(7) Writ A No. 17732/2014 (Smt. Nasrin Zehra Naqvi)

36. In present case, selection of petitioner was cancelled on a ground that she has passed graduation and Moallim-E-Urdu in same year i.e. 1990.

37. From bare perusal of documents, it appears that petitioner has passed 3rd year of B.A. in the year 1990 which is evident from mark sheet issued on 09.08.1990 and petitioner has passed Moallim-E-Urdu also in same year and it is further disclosed that its examination was held in February, 1991 i.e. a course of 1 year was concluded within 6 months whereas admittedly course of Moallim-E-Urdu is of 1 year.

38. Therefore, reasons assigned in Azahar Ali (supra) are equally applicable to present case also.

39. Writ petition being devoid of merit is, accordingly, **dismissed**.

(8) Writ A No. 15447/2024 (Mohammad Asif Ansari)

40. In present case, petitioner wants to take advantage of judgment of Sartaj Ahmad (supra) that he has taken admission in course of Moallim-E-Urdu before 11.08.1997, however, as referred above, in the impugned order dated 19.04.2024, petitioner has not submitted any document duly verified by Jamia Urdu, Aligarh.

41. A certificate issued by institution Maqtab Hidayatul Islam, Shikarpur, Bulandshahar that he took admission on 26.07.1997 could not be considered as relevant document, since it was not

verified by Jamia Urdu, Aligarh, therefore, claim of petitioner was rightly rejected and advantage sought by petitioner in terms of judgment of Sartaj Ahmad (supra) could not be extended to facts of present case.

42. Writ petition being devoid of merit is, accordingly, **dismissed.**

(9) Writ A No. 21700/2018 (Mohd. Idrish and others)

43. This writ petition is filed by 5 petitioners viz. Mohd. Idrish, Khalida Bano, Faujia Aslam, Ishrat Jahan and Syed Meesam Raza.

44. All petitioners are claiming benefit of cut-off date as mentioned in judgment of this Court in Sartaj Ahmad (supra) that they have taken admission in Moallim-E-Urdu before cut off date i.e. 11.08.1997.

45. In the impugned order, verification reports were considered and all petitioners have declared that they have passed course from centres outside campus of Jamia Urdu, Aligarh and it was also mentioned that their details were not verified by Jamia Urdu, Aligarh. Certificates issued from Centers situated at other places without verifying from Jamia Urdu, Aligarh has no relevancy.

46. Therefore, as referred above, in terms of judgment of Sartaj Ahmad (supra), such declaration cannot be considered to be a valid declaration. Hence no interference is caused.

47. Writ petition being devoid of merit is, accordingly, **dismissed**.

(10) Writ A No. 23263/2018 (Qamrul Hasan)

48. Candidature of petitioner was cancelled by impugned order that it was not verified that he had taken admission in Moallim-E-Urdu before cut off date i.e. 11.08.1997 at Jamia Urdu, Aligarh as mentioned in Sartaj Ahmad (supra).

49. Certificate in regard to date of admission was issued by a Center situated outside Jamia Urdu, Aligarh and said certificate was not verified by said institution and as observed in preceding paragraphs, in absence of verification from Jamia Urdu, Aligarh, said declaration cannot be considered as a valid declaration.

50. Therefore, no interference is required.

51. Writ petition being devoid of merit is, accordingly, **dismissed**.

(11) Writ A No. 36109/2017 (Asim Husain)

52. In present case, petitioner has passed Intermediate Exam in 1994 with 5 subjects and with Urdu in 1995 and thereafter has passed Adib-E-Kamil in the year 1995 also. However, he has not declared date and month of examination of Adib-E-Kamil, therefore, it is a case that petitioner has passed two courses in 1 year and reasons assigned in Azahar Ali (supra) are squarely applicable in present case also.

53. Writ petition being devoid of merit is, accordingly, **dismissed**.

(12) Writ A No. 14570/2024 (Sami Anwar)

54. Petitioner's claim cannot be considered since according to instructions placed on record, petitioner has got 51.74 marks whereas minimum cut-off was 53.20.

55. Such instructions have not been denied by learned counsel for petitioner.

56. Otherwise also, there is no reason to dispute such instructions, therefore, relief sought could not be granted.

57. Accordingly, petition lacks merit, hence, **dismissed**.

(13) Writ A No. 8641/2022 (Shaista Bano)

58. Petitioner was found not qualified for post of Teacher (Urdu) since she has passed Moallim-E-Urdu and B.A. in one academic session i.e. 1996.

59. Petitioner has passed a 3 years' B.A. degree in 1996 and Moallim-E-Urdu in 1996. Its examination was held in February, 1997.

60. Therefore, reasons assigned in Azahar Ali (supra) are applicable in present case since a course of one year was conducted within less than 6 months, therefore, petitioner is not qualified.

61. In view of above, this Court does not find any ground to interfere with impugned order, therefore, petition lacks merit, hence, **dismissed**.

Conclusion

62. All writ petitions are **dismissed**.

Order Date :- May 17, 2025

Nirmal Sinha

[Saurabh Shyam Shamshery, J.]