

1. Heard Sri Satyendra Chandra Tripathi, learned counsel for the petitioner and Mrs. Archana Singh, learned counsel for the respondent no.3.

2. Petitioner has set up a case that he has passed a Diploma in Education (D.Ed), a two years course in the year 2014 from Board of Secondary Education, M.P. Bhopal (Shri Swamiji Maharaj College of Education and Sciences, Housing Board Colony, Datiya, Madhya Pradesh) as well as he has passed Teacher Eligibility Test in September, 2015, therefore, he was eligible to become an Assistant Teacher. However, despite he appeared in counselling in pursuance of a selection process initiated in the year 2016 and consequently an appointment letter dated 7.1.2024 was also issued to him by the District Basic Education Officer, Sitapur, still he was not allotted a school, purportedly on a ground that D.Ed is not equivalent with Diploma in Elementary Education (D.El.Ed.) and vide an order dated 15.01.2025, further consideration of his name was kept in abeyance.

3. Learned counsel for the petitioner submitted that aforesaid order was challenged before this Court in Writ Petition-A No.10126 of 2024, which was disposed of vide order dated 7.8.2024, with a direction to Secretary, Basic Shiksha Parishad, Prayagraj, to take a final decision, however, subsequently his claim was rejected vide orders dated 8.1.2024 and 7.2.2025 and his appointment was cancelled on the ground that D.Ed was not an essential qualification for Asst. Teacher and it was not equivalent to (D.El.Ed.) and his appointment was held to be void-ab-initio.

4. Learned counsel for the petitioner by referring relevant part of

notification dated 23.8.2010 issued by the NCTE has submitted that for appointment of a Teacher to impart teaching for Classes 1-5, a Diploma in Elementary Education (by whatever name known) is essential, which would also include Diploma in Elementary Education (D.Ed), a qualification which petitioner possessed.

5. Learned counsel for the petitioner also referred a judgment passed by a Division Bench of this Court in Harsh Kumar & Anr Vs. State of U.P. & Ors, 2014 0 Supreme (All) 276, that a two year diploma in education would be a prescribed qualification and that an Appeal thereof at behest of State of U.P. was rejected by Supreme Court. He further submitted that since issue was already settled, therefore, by the impugned orders not only an illegality was committed, but it was an attempt to march over the judgment passed by a Division Bench of this Court as confirmed by the Supreme Court.

6. Learned counsel for the petitioner also referred judgments of this Court in Km. Pallavi Vs. State of U.P. & Ors, (2018) 6 ADJ 329 and Anju Kumari & Ors Vs. State of U.P. & Ors, (Writ A No.41992 of 2016) decided on 18.1.2018, and he referred following paragraph of it:

“Admittedly, in the facts of the present case, the process of appointment had commenced in the year 2016, after the Act of 2009 as well as rules framed thereunder came into being. NCTE had already been notified as the academic authority under the Act of 2009 and the qualification required for appointment as teacher in primary institution has been notified. Learned counsel for the petitioners has also placed on record a Government Order dated 5.6.2017 whereby

the teaching qualification earlier known as 'Basic Teacher Certificate (BTC)' has been altered and rechristened as 'Diploma in Elementary Education', so as to bring it in conformity with the NCTE Regulations of 2014. That being the admitted position, it would be impermissible now to insist upon possessing of qualification for recruitment for the post of teacher in a primary institution, which is at variance with the NCTE Regulations. Petitioners assert that they have already obtained qualification of 'Diploma in Education' which is a two year course and has already been included in 'Diploma in Elementary Education' under the NCTE Regulations, 2010.

In view of the settled position of law, noticed above, the petitioners who possess qualification notified by the NCTE for being appointed as teacher in primary institution, their result pursuant to the counselling undertaken need not be detained any further. “

7. Per contra, learned counsel for the respondent no.3 has opposed the aforesaid submissions and submitted that Diploma in Education (D.Ed) and Diploma in Elementary Education (D.El.Ed) are two different concepts having different curriculum.

8. Learned counsel further submitted that in Harsh Kumar (supra) equivalence to D.Ed and D.El.Ed was not considered. The authority which could decide the issue of equivalence would be N.C.T.E., however, same is not arrayed as a party in present writ petition.

9. Heard learned counsel for parties and perused records.

10. An issue whether a 'Nursery Education Certificate' would be equivalent to

Diploma in Elementary Education was decided by this Court in a bunch of Writ Petitions (leading being Smt. Mala Yadav and 10 others Vs. State and U.P. and 4 others), Neutral Citation No. 2024:AHC:26366, and for reference, relevant part of it is reproduced hereinafter:-

“ 15. The issue before this Court for consideration is that whether “Nursery Training Certificate” is equivalent to “Diploma in Elementary Education” (by whatsoever name known) (as mentioned in NCTE notification dated 23.08.2010 as amended on 29.07.2011) and subsequent notification dated 12.09.2014 and whether it is also equivalent to “Basic Teachers Training Certificate” for purpose of minimum qualification for post of Assistant Teacher in primary school (class I to V) run by Basic Education Board?

16. The crux of argument of petitioners is that once NCTE, the appropriate Authority under National Council for Teachers Education (Amendment) Act, 2011, by a notification has provided minimum qualification in terms of Act of 2009, the same will govern irrespective of any minimum qualification prescribed for appointment on post of Assistant Teacher by of any State.

17. In order to substantiate argument, learned Senior Advocate has referred various provisions of above referred Act, Rules and Circulars which do not require to elaborate since they have been considered by Division Bench of this Court in Harsh Kumar (supra), a judgment relied upon by petitioner.

18. Relevant part of Harsh Kumar (supra) has already been quoted in earlier part of this judgment and for disposal of this judgment, a general mandamus issued in Harsh Kumar (supra) is repeated hereinafter -:

“14. In the circumstances, the special appeals would have to be allowed and are, accordingly, allowed. The impugned judgment and order of the learned Single Judge dated 14 November 2013 is set aside. A mandamus would, accordingly, issue directing the State to permit the appellants and such other persons who claim to be holding the qualifications which are within the purview of the notification issued by the NCTE on 23 August 2010, as amended on 29 July 2011, to apply for the post of Assistant Teachers for Classes I to V which was the subject matter of the advertisement in question.

15. Since the Court is informed that the process of counseling is still to commence, we direct the State Government to act in accordance with the aforesaid direction in processing and completing the selection process.

16. We clarify that the issue as to whether the appellants hold the qualifications strictly in accordance with the notification issued by the NCTE has not been decided by us since that is a matter of verification by the authority concerned.”

19. The above mandamus was that the essential qualification given in Notification dated 23.08.2010 as amended by Notification dated 27.08.2011 be applied in selection process in question subject to verification whether candidate possesses qualification in terms of notification, therefore, there was no occasion for Division Bench to consider whether “Nursery Training Certificate” would be a minimum qualification equivalent to BTC Course?

20. The above issue was later on considered by another Division Bench of this Court in Uttar Pradesh Basic Shiksha Parishad (supra) wherein Harsh Kumar (supra) as well as a subsequent notification

dated 12.11.2014 issued by NCTE was also considered. As well as stand of NCTE was also heard.

21. The Division Bench in Uttar Pradesh Basic Shiksha Parishad (supra) has thereafter arrived to a considered opinion that -:

“i. “Nursery Training Programme” as mentioned in the Government Order dated 30.06.2010 is not at all recognized under Appendix I or II of NCTE (Recognitions Norms and Procedure) Regulations, 2009. N.T.T. Course is recognized as per Appendix-4 of Regulations, 2009 meant for early childhood education.

ii. Early Childhood Education (ECE) is for pre-school and class I and II of primary education only.

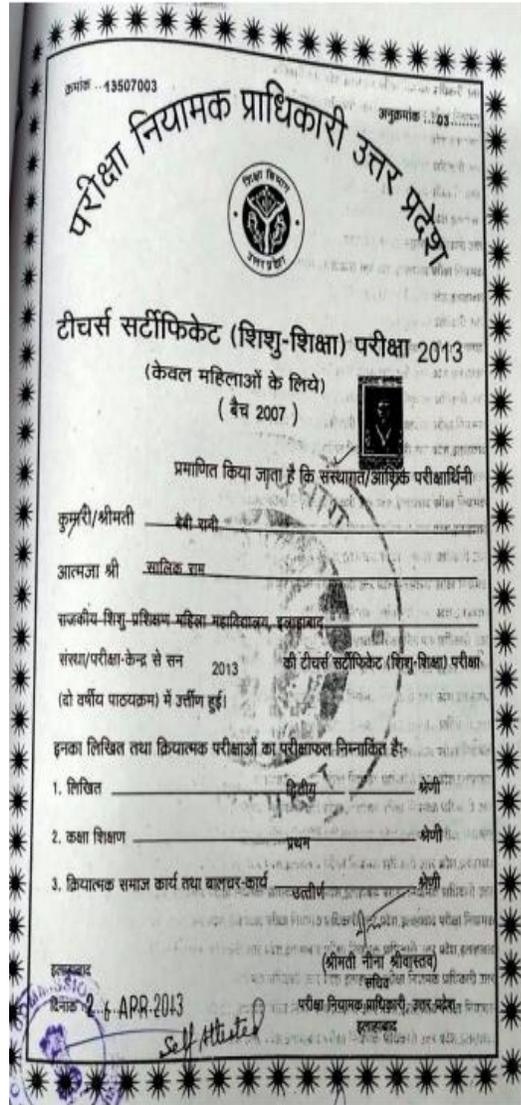
iii. Elementary Training Education Programme aims of preparing teachers for elementary stage of education i.e. class I to VI/VII.

iv. Basic Shiksha Parishad of State of U.P. does not accord recognition to any nursery school to run additionally class I and II. There are three categories of institutions (i) Nursery School (ii) Junior Basic School (iii) Senior Basic School. Petitioners-opposite parties can be at the best appointed in Nursery School but they cannot be appointed in Junior Basic School/Senior Basic School.

v. Once N.T.T. Course as per the petitioners-opposite parties is designed for children in the age group of 4-6 followed by first 2 years in the formal school i.e. of children in the age group of 6-8 years, then the said course in question cannot be carried forward even to the students of Class III to V as it would be going beyond the N.T.T. course that has been designed.”

22. The above reference makes a clear difference in nursery school and Junior basic school and their respective

requirement of teachers in terms of their minimum education. The certificate in



question is "Certificate Teacher (Shishu-Shiksha) Examination-2013. The subject of course are शिक्षा सिद्धांत तथा शिक्षालय संगठन, बाल अध्ययन, विशेष पाठन विधि ज्ञानोपकरण, विशेष पाठन विधि विषय and for reference, a certificate and result of one petitioner is scanned hereinafter -:

कार्यालय, परीक्षा नियामक प्राधिकारी, उ० प्र०, इलाहाबाद
अंक-पत्र
बी०टी० (शिशु शिक्षा) - परीक्षा वर्ष 2013
विशेष विवरण का नाम राजकीय शिशु शिक्षण विभाग, इलाहाबाद
जहाँ देवी राणी
अनुक्रमांक 03
पुत्र/पुत्री, सत्यकि राय
इसमें बी०टी० (शिशु शिक्षा) परीक्षा, 2013 में प्राप्त किये गये अंकों का विवरण है।

क्रम पत्र	विहित परीक्षा	पूर्वक	उत्तीर्णक	प्रत्यांक	परीक्षाफल
प्रथम	शिशु शिक्षण विभाग तथा शिक्षारथ संगठन	100	30	64	श्रेणी : द्वितीय
द्वितीय	बाल अध्ययन	100	30	42	
तृतीय	विशेष पाठन विधि ज्ञानोपकरण	100	30	60	
चतुर्थ	विशेष पाठन विधि विषय	100	30	64	
योग		400	126	210	
सर्वोच्च अंक में प्रदान किये गये अंक					
	प्रश्नपत्रार्थ ज्ञान	100	40	65	
	शिक्षण सम्बन्धी पुरिखन	50	20	30	
	कला तथा विषय	50	20	35	
	वीथिका	50	20	28	
	सामुहिक कार्य तथा प्रश्नपत्र तथा सत्र में उपस्थिति का अनुगीकरण	100	40	68	
योग		350	140	246	श्रेणी : प्रथम
विद्यार्थक समागत कार्य तथा उत्तर कार्य का परीक्षाफल					परीक्षाफल : उत्तीर्ण
पठनकर्ता के हस्ताक्षर					सम्पूर्ण परीक्षाफल : उत्तीर्ण
वीथिका के हस्ताक्षर					

शिशु शिक्षण विभाग के प्रत्येक प्रश्नपत्र में 30 अंकित तथा प्रश्नपत्रों के योग में 34 अंकित उत्तीर्णक है जिस सम्बन्ध परीक्षाविधि अनुसूची में बत गीते से विरा हुआ है।
उत्तीर्णक विद्यार्थक अनुसूची परीक्षाविधि को विहित विषय के () प्रश्नपत्रों में परीक्षा देनी होगी (जि बत है) शिशु प्रवर्ती होने पर ऐसे परीक्षाविधि को विहित में केवल उत्तीर्णक परीक्षा विषय अथवा विहित में श्रेणी प्राप्त करने हेतु यह सभी प्रश्नपत्रों में परीक्षा दे कर ही है (यदि वह विद्यार्थक जगदीश चन्द्र परीक्षा में सम्मिलित होने का अधिकारी है।)

Self Attested
Baby Rani
परिष्कार
परीक्षा नियामक प्राधिकारी
उ० प्र० इलाहाबाद 26/4/13

23. Petitioners have not brought on record details of study material/syllabus of referred examination in order to show that it would sufficient upto class-V also, whereas the Basic Teacher Certificate course has extensive study material much more than C.T. (Shishu Shiksha). For reference same is mentioned below -:

First Year
Education and principles of teaching
Psychological basis of child Development
Teaching subject: Hindi, Environmental studies, Social Studies, Mathematics, Sanskrit/Urdu, English
Cognitive Aspects: Moral Education, Physical Education and Music, Art
Psycho Motor Aspect: Class Teaching, Curriculum Analysis
Second Year
Emerging Trends of Elementary: Education and

<i>Education Evaluation, School Management, Community Education and Health education</i>
Teaching Methods, work experience and Relevant Practical work: Hindi, Environmental Education, Science, Social Studies, Mathematic, SUPW, Sanskrit/Urdu, English
Cognitive Aspects: Physical education and music
Psycho motor aspect: class room teaching, school experience (internship) Community work and Action research, Analysis of Curriculum and text book

24. This Court has undertaken above exercise as Harsh Kumar (*supra*) has also granted liberty to verify whether course of a candidate would be same in terms of notification issued by NCTE, otherwise, U.P. Basic Shiksha Parishad (*supra*) is completely against the petitioners.

25. A bare consideration of standards of course material of Certificate Training (Shishu Shiksha) and Basic Teacher Certificate are sufficient to observe that course material of Basic Training Certificate is proposed for purpose of teaching upto Class-V, whereas course material of CT (Shishu Shiksha) would be limited to pre-school i.e. up to class-II only.

26. In view of aforesaid observations, not only U.P. Basic Shiksha Parishad (*supra*) is against the petitioners but above consideration of course material of CT (Shishu Shiksha) is not equivalent to course material of minimum qualification i.e. B.T.C. for appointment of Assistant Teachers.

27. Therefore, all writ petitions being sans-merit are **dismissed.**”

11. A challenge to above judgment is pending before a Division Bench of this Court being (Special Appeal No.- 305 of 2024), Bindu Yadav Vs. State Of Up And 3 Others.

12. In order to ascertain whether curriculum of D.Ed and D.El.Ed are same or have elementary difference, their

respective syllabus are mentioned hereinafter:

“ D.El.Ed Syllabus for 1st Year

Foundation Courses		
Understanding the Psychology of Children		Education in Contemporary Indian Society
Education Society, and Curriculum		Pedagogy Across the Curriculum
Pedagogical Courses		
Teaching of English Language		Hindi Bhasha Shikshan
Teaching of Mathematics		Teaching of Environmental Studies
Practical Courses		
Children's Physical and Emotional Health, School Health and Education		Creative Drama, Fine Arts, and Education School Internship-I (30 to 35 days)
D.El.ED Syllabus for 2nd Year		
Foundation Courses		
Understanding the Learning and Cognition of Children		Teacher Identity, School Culture and Leadership
Diversity, Gender and inclusive Education		NA
Pedagogical Courses		
English Education		Hindi Shiksha
Mathematics Education		Science Education
Practical Courses		
Children's Physical and Emotional Health, School Health and Education – II		Creative Drama, Fine Arts and Education- II
School Internship-I (50 to 55 days)		NA

D.Ed Syllabus

1. First Part Theory

First Year

Question Paper-	Question	Education in Indian Society
1	Question Paper- 1	Education in Indian Society
2	Question Paper- 2	Child Development (Nutrition, Health, Physical Education, Yoga and Moral Development)
3	Question Paper- 3	School Management and Planning
4	Question Paper- 4	Hindi Language and its Teaching
5	Question Paper- 5	Mathematics and its Teaching

Second Year

