



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

[3328]

MONDAY ,THE FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 4267 OF 2024

Between:

MANDAL PEDDI RAJU AND OTHERS

...PETITIONER(S)

AND

THE STATE OF ANDHRA PRADESH AND OTHERS

...RESPONDENT(S)

Counsel for the Petitioner(s):SRI. MANDAVA ABHIGNA

Counsel for the Respondents: GP FOR SERVICES III (AP)

The Court made the following ORDER:

Heard Sri B. Adinarayana Rao, learned Senior Counsel appearing on behalf of Ms. Mandava Abhigna, Learned Counsel for the Writ Petitioners, assisted by Sri Javvaji Sarath Chandra, Learned Counsel and Sri V.K.Naidu, Learned Government Pleader for Services-III.

2. The prayer sought in the present Writ Petition is as under:

“It is therefore prayed that this Hon’ble Court may be pleased to issue writ, order or direction more particularly one in the nature of a writ of Mandamus declaring the action of the Respondent authorities in proceeding the Examination on 27.02.2024 to 09.03.2024 as per Tentative Schedule-APTET, 2024 under the Andhra Pradesh Teacher Eligibility Test (APTET-2024) Notification issued on 08.02.2024 and further in issuing subsequent AP Teacher Recruitment Test (TRT) Notification No.02/TRC-1/2024, dt.12.02.2024 in a hasty manner as illegal, arbitrary, unjust and inconsistent with the Right of Children to Free and Compulsory Education (RTE) Act, 2009 and the rules thereunder and violative of Art 14, 16 and 21A of the Constitution of India and violative of

Principles of Natural Justice and consequently to quash/set aside the aforesaid Andhra Pradesh Teacher Eligibility Test (APTET-2024) Notification dated 08.02.2024 and AP TRT Notification dt.12.02.2024 and to issue fresh AP TET & further AP TRT Notifications in accordance with law and pass such other order or orders as this Hon'ble Court may deem it fit and proper in the circumstances of the case."

3. The Writ Petitioners are candidates aspiring to participate in the APTET-2024 and APTRT-2024 (DSC-2024) for the posts of Secondary Grade Teachers (SGTs). The APTET-2024 (issued on 08-02-2024) relates to the conducting of Teachers Eligibility Test. The 2nd Notification (issued on 12-02-2024) relates to the conducting of Teacher Recruitment Test for the Teachers, who are qualified in the APTET. This recruitment is for the posts of School Assistants (SAs), Languages, Non-Languages, Physical Education Teachers and Secondary Grade Teachers (SGTs) in the School Education Department. The eligibility for appearing in APTRT (DSC-2024) will depend on the outcome of the marks secured by a candidate, who had appeared in APTET-2024. It can be observed that the above mentioned Notifications were issued in a very close proximity of time (between a gap of four days).

4. This apart, APTET was lastly conducted on 31.10.2011 and 04.05.2018. The APTRT was lastly conducted in the year 2018.

5. The case of the present Writ Petitioners is to the effect that they have necessary Educational qualifications for taking the

APTET-2024 and if they qualify in the said examination, upon declaration of result on 14.03.2024, they would be issued the Hall Tickets immediately on the next day, and such candidates will have to appear in APTRT (DSC-2024) on the same day. They would be eligible to appear in the APTRT (DSC-2024) scheduled to be conducted from the next day i.e., from 15.03.2024 up to 30.03.2024. This apart, the Writ Petitioners have also stated that the reasonable period, which ought to have been given for every step in both the Notifications had been compressed by providing unreasonably shorter durations, when compared to the schedules of the Notifications issued in the yester years.

SUBMISSIONS OF THE LD. SENIOR COUNSEL:

6. On 19.02.2024, after having heard the submissions of Sri B. Adinarayana Rao, learned Senior Counsel appearing on behalf of Ms. Mandava Abhigna, Learned Counsel for the Writ Petitioners, Smt. Hema Latha, Learned Assistant Government Pleader for Services-III sought a short adjournment in order to obtain complete Written Instructions in this regard. Consequently, this matter is listed on 21.02.2024, for further consideration.

7. The submissions of Sri B. Adinarayana Rao, learned Senior Counsel on 19.02.2024 is to the effect that for the

recruitment of teachers, an additional weightage is given for such candidates, who have passed in A.P. Teachers Eligibility Test; that as per the G.O.Ms. No.23, School Education (Exams) Department, Dated 17.03.2021 (Ex.P3) 20% weightage shall be given to TET scores while the balance 80% weightage is earmarked for the Written Test in the Teachers Recruitment Test; for this purpose the Government of Andhra Pradesh had been conducting the Teachers Eligibility Test from time to time; that the latest TET was conducted in the month of August-2022 (Ex.P8) and that the schedule given for the conducting of A.P. TET-2022 has provided reasonable time between the schedules; particularly, with regard to the release of 'initial key' and the 'receiving of the objections' on the initial key and the release of 'final key' there was wide gap; that in respect of the APTET-2022 Notification, he would submit that while the initial key is released on 31.08.2022, the objections would be received, as against the initial key, from 01.09.2022 up to 07.09.2022 (period of seven days); that, there after the final key would be released on 12.09.2022 and that the results would be declared on 14.09.2022; in comparison to the schedule of APTET-2022, Learned Counsel has also drawn the attention of this Court to the tentative schedule released by the Respondents on 08.02.2024 (Ex.P1) in respect of APTET-2024.

8. He would submit that this schedule would indicate that the dates for various steps have been unduly compressed; illustratively, the Learned Counsel would draw the attention of this Court to the fact that from the date of release of initial key (10-03-2024), the objections can be filed by the Objectors/candidates only in one day i.e., on 11.03.2024 and the final key would be released on 13.03.2024; by showing this as an illustration, Learned Counsel would also submit that the time gap between the two Notifications, viz., the APTET and the APTRT (DSC-2024), for taking the examination, is only one day.

9. Learned Senior Counsel would further submit that while the last examination for the Teachers Eligibility Test was conducted in the month of August-2022 and the next one is scheduled to be conducted between 27.02.2024 and 09.03.2024 and the results being declared on 14.03.2024, there is no proper justification in the Respondents in conducting the examination for recruiting the Teachers (through APTRT (DSC-2024)) immediately on the next day. He would, therefore submit that the commencing of the APTRT (DSC-2024) examinations immediately on the next day of the publication of the APTET results is not only arbitrary but it is to the detriment to the interest of the candidates appearing in APTRT (DSC-2024).

10. Learned Senior Counsel would also submit that the Official Respondents, ought to have maintained reasonable gap between the APTET-2024 and APTRT (DSC-2024) in order to enable the candidates to know the outcome and then to have reasonable time to prepare for the recruitment test. He would also submit that even though, the eligibility test was conducted in the month of August-2022, the Recruitment test was never conducted after 2018 and therefore, when the Respondents have never showed any necessity of taking up a Recruitment drive from 2018 to till date, there is no occasion for the Government to conduct the Recruitment test in such a hasty and arbitrary manner and which would essentially cause serious prejudice to candidates appearing in APTRT (DSC-2024). He would also submit that this action on the part of the Government would violate Articles 14 and 21 of the Constitution of India, inasmuch as the right to employment, having been declared as a fundamental right, can be meaningfully enjoyed/achieved only when sufficient gap is provided for enabling the prospective candidates to prepare well for the APTRT (DSC-2024). He would also submit that the Syllabus is vast and the examinations are spread over period of four days with number of subjects; Learned Senior Counsel would also submit that the main objective to conduct the Teacher Eligibility Test is to ensure National

standards and benchmark of Teacher quality in the Recruitment process and in that direction, the Teachers who are working in both Government and Private Schools referred to in clause (n) of Section 2 of the Right to Education Act has been well recognized; that the State Government has undertaken the drive under the District Selection Committee only now after a long gap of more than 5 years. The candidates, who would qualify under the TET, would not have sufficient time to prepare for the TRT and the hope of securing the appointment as a Teacher may not again occur in the near future. Learned Senior Counsel has also drawn the attention of this Court to the Syllabus that is prescribed for TRT at para No.14 of the Notification dated 12.02.2024 (Ex.P2).

SUBMISSIONS OF LD. GOVERNMENT PLEADER:

11. Counter-Affidavit was filed on behalf of Respondent/ State on 27.02.2024. Learned Government Pleader appearing for the Official Respondents herein has submitted that since last Teacher Eligibility Test that was conducted in the year 2022, the qualifying candidates have been waiting for the Teacher Recruitment Test; that the syllabus prescribed for the candidates in TET and TRT is one and the same and therefore, such of those candidates who would appear in TET would be able to appear with ease in the TRT also and therefore, they do not require any time gap

for additional preparation for Teacher Recruitment Test. Learned Counsel for the Respondents has also submitted that about three lakh applications have been received; that there is humongous public interest involved and would therefore, urge this Court not to show any indulgence in the present Writ Petition since the Writ Petitioners are only four in number and they are only aspiring to appear for the examinations meant for the recruitment for the posts of Secondary Grade Teachers. Learned Counsel had drawn the attention of this Court to the revised schedule which is only filed along with the Counter-Affidavit. As per this revised schedule, the TET examination is scheduled from 27.02.2024 to 06.03.2024.

12. Learned Government Pleader representing the Respondents has also cited a Judgment of the Hon'ble Apex Court in **Shikhar & Anr. Vs. National Board of Examination & Ors (in Writ Petition (C) No.208 of 2022; dated 05.04.2022)**. Learned Counsel for the Respondents has placed reliance on para Nos. 14 and 15 of the said Judgment to submit that the Court may not disturb the extending the schedule as it would effect the other students.

RE-JOINDER:

13. Sri Javvaji Sarath Chandra, Learned Advocate for the Writ Petitioner would submit that even these revised examination

schedules would not mitigate the plight of the candidates and would grossly violate the Article 21 of the Constitution of India besides being a violation of Article 14.

14. He would also submit that the enjoyment of Article 21 is not an empty formality and that it should be enjoyed in a meaningful manner. He would submit that there should be a reasonable time gap between the declaration of result in the Teacher Eligibility Test and the commencement of the examinations for the Teacher Recruitment Test.

ANALYSIS:

15. Having noticed the rival submissions supra, this Court would find the following facts: that the Teachers Eligibility Test was conducted earlier in the year 2022; and that the Government had an opportunity to conduct the Recruitment Test any time after the TET in the year 2022 and 2023, but it did not do so. This Court has also noticed that the schedules given for TET-2024 and TRT-2024 have been compressed. However, mere compression of schedules alone cannot be impeached by candidates, unless such compression of schedules would in any manner gravely prejudice the prospects of the candidates in the recruitment test. The illustration given by the Learned Senior Counsel with regard to releasing of 'Initial Key' and receiving of 'Objections' on 'Initial Key' in the Impugned Notification

(which remains unchanged even in the revised schedule) would indicate that there is only one day, while the same TET that was conducted in the year 2022 (Ex.P8) had about seven days. In the opinion of this Court, seven days is a reasonable period, while one day under the Impugned Notification is unreasonable inasmuch as the candidates are virtually rushed and if any candidate misses that 'one day' for any reason in submitting his/her objections, results would be declared immediately on the second day thereafter. Similarly, the time that was given for preparing for the TET is also at variance between the APTET-2022 and the current Notification.

16. The following schedule would indicate the dates and time:

S.No.	Schedule	APTET-2022	APTET-2024
1	Examination Schedule	06.08.2022 to 21.08.2022 (15 days)	27.02.2024 to 06.03.2024 (09 days)
2	Release of Initial Key	31.08.2022	07.03.2024
3	Receiving of objections on Initial Key	1.9.2022 to 7.9.2022 (Seven days)	(One day) 08.03.2024
4	Release of Final key	12.09.2022	10.03.2024
5	Final Result declaration	14.09.2022	12.03.2024

17. Having considered the above table, this Court is of the opinion that insofar as the Schedule of Examination, the time gap

has been reduced in the current APTET-2024 Notification. This Court opines that the time provided for receiving of objections on initial key is only one day in the present APTET-2024, which is unreasonable in the opinion of this Court. When the time period given for receiving of objections on initial key insofar as APTET-2022 is concerned is about seven days, which is rather reasonable in the opinion of this Court, there is no reason why the same time be maintained for the current TET also.

18. Para No.6 of APTET-2024 Notification (Ex.P.1) issued on 12.02.2024 contemplates availability of 'Information Bulletin' on the Web-site <http://cse.ap.gov.in> from the date of Notification, which can be downloaded free of cost. Neither of the parties have filed this document. However, it was downloaded and perused by the Court. The said 'Information Bulletin' of APTET-2024 is completely silent about the constitution of any Expert Committee for issuance of 'Initial Key' and also the procedure for receiving and disposal of objections. Whereas, Para No.24 of 'Information Bulletin' published along with the APTRT (DSC-2024) (Ex.P.2) lays down not only the procedure but also indicates that the Commissioner of School Education, being the Competent Authority, would publish 'Initial Key' of the questions after conduct of CBT (Computer Based Test) through online. The said Para No.24 (i) (of APTRT-2024 (DSC-2024))

would also indicate that the objections will be handled by giving 'reasonable time' to the candidates for filing objections on the 'Initial Key' and the same shall be disposed of by the Expert Committee constituted by the Commissioner of School Education. Thereafter, the 'Final Key' would be published. Para No.24(i) of the 'Information Bulletin' of APTRT-2024 would read as under:-

*“ i. The Commissioner of School Education shall issue the schedule of notification covering all aspects including Payment of fees, Conduct of CBT, Release of Initial Key/Final Key and declaration of results. The Commissioner of School Education being the competent authority to publish the initial key of the question after the conduct of CBT inviting objections through online, if any, from the candidates who appeared for the CBT, **duly giving a reasonable time to the candidates for filing objections on the initial key and the same shall be disposed of by the expert committee constituted by the Commissioner of School Education.** The final key shall be published for the information of candidates. Any representation / petition / objection on the initial key after the above stipulated period shall not be entertained.” (emphasis supplied)*

19. The above mentioned information contained in the 'Information Bulletin' of APTRT-2024 (DSC-2024), is conspicuously absent in the 'Information Bulletin' relating to APTET-2024. In any case, even the 'reasonable time' as stipulated is not followed in its true spirit for both - TET & TRT.

20. It is settled law that the publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers. An opportunity to file objection against the key answers uploaded by examining body is a step to achieve fairness and perfection in the

process, as held by the Hon'ble Supreme Court in ***Rishal and Others Vs. Rajasthan Public Services Commission and Others*** [(2018) 8 SCC 81]. The relevant Para No.19 is usefully extracted hereunder:

*“19. The key answers prepared by the paper-setter or the examining body is presumed to have been prepared after due deliberations. **To err is human. There are various factors which may lead to framing of the incorrect key answers. The publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers. An opportunity to file objections against the key answers uploaded by examining body is a step to achieve fairness and perfection in the process. The objections to the key answers are to be examined by the experts and thereafter corrective measures, if any, should be taken by the examining body.** In the present case, we have noted that after considering the objections final key answers were published by the Commission thereafter several writ petitions were filed challenging the correctness of the key answers adopted by the Commission. The High Court repelled the challenge accepting the views of the experts. The candidates still unsatisfied, have come up in this Court by filing these appeals.” (emphasis supplied)*

21. In several other cases also various High Courts and the Hon'ble Supreme Court had dealt with situations of wrong keys being published. Having noted the ratio laid down by the Hon'ble Apex Court, this Court is of the view that the Respondents have not provided 'reasonable time' to the candidates for filing objections on the 'Initial Key', inasmuch as the 'Initial Key' would be released on 07.03.2024 and one day is given for filing objections by the candidates i.e., 08.03.2024 and that the release of 'Final Key' would be on 10.03.2024. As observed earlier, the Official Respondents have not bestowed their attention in granting reasonable time for

filing objections by the candidates. Grant of one day's time, in the opinion of this Court, is a denial of 'reasonable opportunity' for the candidates/objectors, not only for filing objections, but also in the cases of unresolved disputes, the candidates are prevented from approaching appropriate Forum for redressal within a 'reasonable time'.

22. During the course of hearing, when this Court has put this issue to the learned Government Pleader, he had submitted that this Court may not delve upon such surmises and contingencies and that it is hoped that there would not be any disputes on 'Initial Key' and that there would not be any objections to the 'Initial Key'. However, this Court does not agree to this proposition.

23. In **Anita Kushwaha Vs. Pushap Sudan [(2016) 8 SCC 509]**, the Hon'ble Supreme Court has recognised '*access to justice*' as an integral part of Article 14 and 21 of the Constitution of India.

24. In the instant case, the squeezed schedule would invariably prevent the dissatisfied objectors/candidates, if any, from approaching the Court, as there is hardly any time between the date of publication of 'Initial Key', filing of objections and release of 'Final

Key'. In *Anita Kushwaha's case*, the Constitution Bench of the Hon'ble Apex Court, at Para No.31 had held as under:

"31. Given the fact that pronouncements mentioned above have interpreted and understood the word "life" appearing in Article 21 of the Constitution on a broad spectrum of rights considered incidental and/or integral to the right to life, there is no real reason why access to justice should be considered to be falling outside the class and category of the said rights, which already stands recognised as being a part and parcel of Article 21 of the Constitution of India. If "life" implies not only life in the physical sense but a bundle of rights that makes life worth living, there is no juristic or other basis for holding that denial of "access to justice" will not affect the quality of human life so as to take access to justice out of the purview of right to life guaranteed under Article 21. We have, therefore, no hesitation in holding that access to justice is indeed a facet of right to life guaranteed under Article 21 of the Constitution. We need only add that access to justice may as well be the facet of the right guaranteed under Article 14 of the Constitution, which guarantees equality before law and equal protection of laws to not only citizens but non-citizens also. We say so because equality before law and equal protection of laws is not limited in its application to the realm of executive action that enforces the law. It is as much available in relation to proceedings before courts and tribunal and adjudicatory fora where law is applied and justice administered. ***The citizen's inability to access courts or any other adjudicatory mechanism provided for determination of rights and obligations is bound to result in denial of the guarantee contained in Article 14 both in relation to equality before law as well as equal protection of laws. Absence of any adjudicatory mechanism or the inadequacy of such mechanism, needless to say, is bound to prevent those looking for enforcement of their right to equality before laws and equal protection of the laws from seeking redress and thereby negate the guarantee of equality before laws or equal protection of laws and reduce it to a mere teasing illusion. Article 21 of the Constitution apart, access to justice can be said to be part of the guarantee contained in Article 14 as well.*** (emphasis supplied)

25. One of the contentions of the Ld. Counsel for the Writ Petitioners is that the examination schedules were issued on 08.02.2024 for APTET-2024 and 12.02.2024 for APTRT (DSC-2024). In a short span of time, i.e., without having time for proper

preparation, the candidates were subjected to firstly take the TET, and thereafter, within three to four days from the publication of result of TET, the candidates are subjected to take TRT.

26. It is submitted by the Ld. Counsel for the Writ Petitioners that there is hardly any time for preparation for the examinations and that the examinations would not be meaningful, in the sense that the candidates would not be able to perform to the best of their ability in the APTRT-2024. It is submitted that the recruitment test, being a crucial one, the candidates should have sufficient time for preparing such examinations, especially, when the recruitment Notification has been issued after more than a period of five years. It is submitted that the last recruitment test was conducted in the month of December, 2018. Therefore, so to say, when recruitment test is not being regularly conducted, the candidates should be able to make best use of the only recruitment test and perform to the best of their ability in the test.

27. This Court has noticed that for the last recruitment that was conducted in the month of December, 2018, Notification was given on 26.10.2018. Whereas, examination schedule in the Notification dated 26.10.2018 (TET cum TRT for the posts of Secondary Grade Teachers (SGTs)) is between 28.12.2018 and 02.01.2019. There was a gap of more than 60 days for the

candidates appearing for the recruitment test for the posts of Secondary Grade Teachers.

28. In that view of the matter, even when the single test was conducted for both TET and TRT for filling the posts of Secondary Grade Teachers, they did not raise any objection, perhaps, in view of availability of long period (more than 60 days) for effective preparation. This situation is in quite a contrast with the current situation when this Court takes into account the schedules of examinations under the impugned Notifications.

FINDINGS/CONCLUSIONS:

29. In view of the above discussion, this Court is of the opinion that :

- i. The time gap between the publication of 'Initial Key', filing of objections and resolution of objections and publication of 'Final Key' is extremely less. This situation is not only unreasonable and arbitrary but it also causes grave prejudice to the candidates who seek redressal through their objections as regards the 'Initial Key' vis-a-vis the 'Final Key' in both the Notifications.
- ii. Such squeezed time schedule with regard to the publication of 'Initial Key', filing of objections and resolving such objections under both the Notifications, in

this case, violates the right of 'access to justice' as enshrined in Articles 14 and 21 of the Constitution of India.

- iii. The candidates who seek to appear in both the examinations are not provided sufficient and reasonable time to prepare themselves. In the instant case, publication for conduct of TET-2024 was issued on 08.02.2024 and the examinations would commence from 27.02.2024; and the Notification for APTRT (DSC-2024) was given on 12.02.2024 and the examinations would commence from 15.03.2024. Therefore, this Court is in agreement with the submissions of the Ld. Senior Counsel for the Writ Petitioners that the present schedule would offend Articles 14 and 21 of the Constitution of India inasmuch as the Writ Petitioners would not be able to meaningfully exercise their right to take the recruitment-examination which is crucial for their livelihood.
- iv. It is a matter of record that the Teachers Eligibility Test (TET) was being conducted by the State periodically. Whereas, the Teacher Recruitment Test (TRT) was last conducted in the year 2018. It is a matter of record that

there was a time gap of almost 60 days between the date of Notification and the recruitment test. The schedules in the 2018 Notification would also indicate that 'reasonable time' was provided for submitting objections of publication of 'Initial Key'. The Official Respondents ought to have followed the similar and well spread-out examination schedule between TET and TRT. This Court is unable to countenance as to why the Respondent Authorities have compressed all the schedules to such close proximity of time, which is likely to frustrate the very object of the conduct of Eligibility Test and Recruitment Test. The Official Respondents had more than five years for having a well laid-out schedule for these purposes rather than squeezing the schedules leading to frustration of the very object, for which, the examinations are meant to be conducted. This Court is not oblivious to the fact that these are competitive examinations and that every candidate competes with all other candidates by performing to the best of each ones' ability.

30. In the aforesaid premise, the Writ Petition is allowed. The Respondents are directed to make necessary changes in the examination schedules, as indicated below.

(a) The publication of 'Initial Key', calling for objections, resolution of objections and publication of 'Final Key' insofar as APTEET-2024 and APTRT-2024 (DSC-2024) are concerned, the Respondents shall provide longer time gap, at least a week time for filing objections. The time gap presently provided by the Respondents is arbitrary and violative of right to access to justice.

(b) The Respondents should provide atleast four weeks time gap between the last date of examination for APTEET-2024 and the date of commencement of examination for APTRT (DSC-2024) which is a basic requirement under Articles 14 and 21 of the Constitution of India.

31. Since the Writ Petitioners are the candidates who are aspiring for being selected for the posts of Secondary Grade Teachers (SGTs), the directions which are given above, shall only be applicable to various steps and procedures meant for the Secondary

Grade Teachers (SGTs) only. Interlocutory Applications, if any, stand closed in terms of this order. No order as to costs.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 04.03.2024

Note: LR copy to be marked.

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.4267 OF 2024

Dt: 04.03.2024
Note: LR copy to be marked.
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