



CGHC010208082022



2026:CGHC:39050

NAFR

HIGH COURT of CHHATTISGARH AT BILASPUR

WPS No. 4511 of 2022

Rakesh Yadav S/o Shri Ramsingh Yadav Aged About 35 Years R/o C/o Ritesh Dewangan, Durga Chowk, Near Jeevan Tailor, Rajnandgaon, District Rajnandgaon Chhattisgarh.

... **Petitioner**

versus

1 - State of Chhattisgarh Through Its Secretary Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.

2 - Director, Directorate of Public Instruction, Department of School Education, Indrawati Bhawan, Block-C, 1st Floor, Atal Nagar, Naya Raipur, Raipur Chhattisgarh.

3 - Joint Director, Directorate of Public Instruction, Department of School Education Indrawati Bhawan, Block-C, 1st Floor, Atal Nagar, Naya Raipur, Raipur Chhattisgarh.

4 - District Education officer, Rajnandgaon, office of The District Education officer Rajnandgaon District Rajnandgaon Chhattisgarh.

... **Respondent(s)**

For Petitioner : Mr. Imran Ahmed, Advocate holding the brief of Mr. Ishan Verma, Advocate

For Respondent : Mr. Khulesh Sahu, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

03.09.2026

1. By this petition the petitioner has sought for the following relief(s):-

“ **10.1** That, this Hon'ble Court may be pleased to call for the entire records of the case for its kind perusal.

10.2 That, the Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and be pleased to quash/set -aside impugned order/order dated 04.05.2022, issued by the DEO, Rajnandgaon, (Annexure P/1).

10.3 That, the Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the Respondent authorities to offer an appointment to the petitioner on the post of Assistant Teacher within a specified time frame, in view of Rule 2019.

10.4 That, any other relief(s) which the Hon'ble Court deems fit & proper may kindly be pleased to granted in favour of the petitioners. "

2. Facts of the case in brief are that on 09.03.2019 respondent No.2 herein issued an advertisement for filling up the vacant posts of Teachers/Assistant Teachers/Lecturer and Lab Assistant through examination to be conducted by CG Vyapam. The petitioner applied for the post of Teacher and Assistant Teacher as he was in possession of relevant qualification as required under the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2019 (hereinafter called as Rules of 2019). The petitioner appeared in the said examination and was selected also. Thereafter, he appeared for counseling and document verification in the office of respondent No.4 but by communication dated 04.05.2022 (Annexure P-1) he was declared ineligible for the post applied for on the ground that he passed the Teacher Eligibility Test ("TET" for short) prior to B.Ed. / Diploma in Education (D.Ed.). It is this communication / order rejecting representation which is under challenge in this petition.

3. Counsel for the petitioner submits that as per the advertisement (Annexure P-2) the petitioner applied for the post of Assistant Teacher for which the minimum qualification was:

“(एक) सहायक शिक्षक

(क) न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) तथा प्रारंभिक शिक्षाशास्त्र (चाहे उसे किसी भी नाम से जाना जाता हो) में द्विवर्षीय डिप्लोमा न्यूनतम 45% अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) एवं प्रारंभिक शिक्षाशास्त्र (चाहे उसे किसी भी नाम से जाना जाता हो) में द्विवर्षीय डिप्लोमा जो राष्ट्रीय अध्यापक शिक्षा परिषद् (मान्यता, मानदण्ड और क्रियाविधि) विनियम, 2002 के अनुसार प्राप्त किया गया हो।

अथवा

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) एवं प्रारंभिक शिक्षाशास्त्र (बी.एल.एड.) में चार वर्षीय स्नातक

अथवा

न्यूनतम 50% अंकों के साथ उच्चतर माध्यमिक (अथवा इसके समकक्ष) तथा प्रारंभिक शिक्षाशास्त्र (विशेष शिक्षाशास्त्र) में द्विवर्षीय डिप्लोमा

अथवा

स्नातक तथा प्रारंभिक शिक्षाशास्त्र (चाहे उसे किसी भी नाम से जाना जाता हो) में द्विवर्षीय डिप्लोमा

अथवा

न्यूनतम 50% अंकों के साथ स्नातक तथा बी.एड अर्हता (राष्ट्रीय अध्यापक शिक्षा परिषद से मान्यता प्राप्त संस्थान से स्नातक) भी कक्षा 1 से 5 तक पढ़ाने के लिये अध्यापक के रूप में पात्र होंगे परन्तु यह कि उसे नियुक्ति के पश्चात् राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा मान्यता प्राप्त प्राथमिक शिक्षाशास्त्र में 6 महीने के एक विशेष कार्यक्रम पूरा करना होगा।

तथा

(ख) राष्ट्रीय अध्यापक शिक्षा परिषद द्वारा इस प्रयोजन के लिए जारी किये गये मार्गदर्शी सिद्धांतों के अनुसार समुचित सरकार द्वारा आयोजित अध्यापक पात्रता परीक्षा (टी.ई.टी.) में उत्तीर्ण।

टीप:-1. उच्चतर माध्यमिक अथवा समकक्ष परीक्षा विज्ञान विषय के साथ उपरोक्त मापदण्ड में उत्तीर्ण होना आवश्यक होगा। कृषि संकाय के साथ उच्चतर माध्यमिक परीक्षा उत्तीर्ण करने पर उसे विज्ञान संकाय में मान्य किया जायेगा। व्यवसायिक शिक्षा से उच्चतर माध्यमिक परीक्षा उत्तीर्ण अभ्यर्थी को पात्रता नहीं होगी।

2. सहायक शिक्षक अंग्रेजी माध्यम के पदों हेतु अभ्यर्थी को अंग्रेजी माध्यम से उच्चतर माध्यमिक (अथवा इसके समकक्ष) परीक्षा उत्तीर्ण होना आवश्यक होगा तथा शेष मापदण्ड उक्त बिंदु 2.(एक) सहायक शिक्षक हेतु निर्धारित अनुसार होना आवश्यक है।

३. सामान्य प्रशासन विभाग के परिपत्र क्रमांक एफ 13-55/2012/20- तीन रायपुर दिनांक 10.01.2013 के द्वारा विशेष पिछड़ी जनजातियों को डी. एड. एवं टी.ई.टी. से नियुक्ति के समय छूट रहेगी।

4. सहायक शिक्षक के पद हेतु कक्षा पहली से पांचवी तक अध्यापन हेतु टी. ई.टी. उत्तीर्ण होना आवश्यक है।”

He submits that as the petitioner was having the requisite qualification for the post of Assistant Teacher, rejection of his candidature declaring him ineligible is contrary to the advertisement and the relevant Rules, and therefore the same is liable to be set aside.

4. Learned counsel for the petitioner submits that the reason assigned for rejection cannot sustain the scrutiny of this Court as the guidelines issued by the Examination Agency (VYAPAM) clearly indicates that the

candidate studying in the final year of graduation course or passed can also apply to appear in TET examination. The certificate of TET has also not been cancelled by any authority which means that the petitioner holds the requisite qualification and therefore the impugned communication (Annexure P-1) may be quashed and the respondents may be directed to consider the case of the petitioner for appointment on the post of Assistant Teacher as per advertisement dated 09.03.2019 (Annexure P-1).

5. Learned State counsel on the other hand opposes the submissions made by counsel for the petitioner and submits that TET certificate obtained by the petitioner is not accordance with law and the guidelines issued by VYAPAM in this regard he was not entitled to appear in the examination for the post of Teacher/Assistant. He submits that the guidelines further prescribe that if any candidate appeared in the examination it would not ipso facto mean that he is eligible to be appointed also on the post desired by him. He submits that since the petitioner was not having requisite qualification, therefore, his candidature was rightly rejected.
6. Heard counsel for the parties and perused the documents on record.
7. Before delving into the merits of the case it appears to be apt to have a look at the relevant Rules of 2019 so as to appreciate the eligibility criteria/qualification for appointment to the post of Teacher as per the advertisement (Annexure P-1), which reads as under:-

"Teacher

(a) Graduation and 2 Year Diploma in Elementary Education (by whatever name known)

OR

Graduation with at least 50% marks and 1 Year Bachelor in Education (B.Ed.)

OR

Graduation with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition, Norms and Procedure) Regulations issued from time to time in this regard.

OR

Higher Secondary or its equivalent with at least 5% marks and 4 years B.A. / B.Sc. Ed. Or B.A. Ed./ B.Sc.Ed.

OR

Graduation with at least 50% marks and 1 year B.Ed. (Special Education)

And

(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government with the Guidelines framed by the NCTE for the purpose.

8. From perusal of these Rules it is clearly indicated that the applicant can have any of the qualifications mentioned in Clause (i) sub clause (a) of Rules, 2019, but he must have passed the TET examination conducted by the appropriate Government in accordance with the Guidelines framed by the NCET for appointment to the post of Assistant Teacher as mentioned in Clause (i) sub clause (b) thereof. Meaning thereby, TET examination is a mandatory qualification.
9. The whole controversy revolves around the fact whether the certificate of TET was obtained in accordance with law or in consonance with the guidelines to that effect. Clause "A" of the guidelines is very material for determination of the issue involved in this case. Bare reading of

"Clause – A" would indicate that the students who are appearing in the final year of Graduation and 2 year Diploma in elementary education, or have passed the same, could appear in the TET examination.

10. The interpretation of this clause is unambiguous according to this Court that the students of graduation and 2 year diploma in elementary education or are appearing in the final year thereof and also those who have passed the examination, can appear in the TET examination which means the petitioner is at better footing.
11. This Court is unable to accept the submission made by the State counsel because a reading of clause 2 of the Rules of 2019 would indicate that a person who is graduate and 1 year or 2 year B.Ed. appearing in the final year or passed similar proposition has been laid down throughout. Therefore, since the petitioner is graduate in the year 2011 and appeared in the TET examination in the year 2011 it cannot be said that he loses the mandatory eligibility criteria. Apart from that, it is to be seen that the petitioner was successful and his TET certificate has not been declared illegal by any agency. Though guideline of TET gives a right to the recruitment agency / appointing authority to take final decision but the final decision has to be based on substantial and justiciable reasoning. It is to be seen that the examination agency of TET has permitted the petitioner to appear in the TET and as such no objection has been raised by the examination agency with regard to validity of the certificate issued. The TET

certificate is provided to those students for specialization in teaching. Petitioner is having that eligibility criteria and simply because he has done TET before B.Ed., in the opinion of this Court cannot disentitle him for appointment to the post of Teacher only on this technical ground. It is not a case that the petitioner was not successful in passing the examination or his TET certificate is invalid.

12. In the light of above discussion, in the opinion of this Court, the reasons assigned by the respondents while rejecting the candidature of the petitioner cannot sustain. Therefore, the impugned order dated 04.05.2022 (Annexure P/1) is quashed.
13. Let the case of the petitioner for appointment on the post of Assistant Teacher be considered in accordance with law and appropriate order be passed in this regard within 60 days from the date of receipt of copy of this order.

Sd/-
(Rakesh Mohan Pandey)
Judge