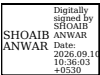




CGHC010330792026

2026:CGHC:39127

NAFR



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6366 of 2026

Parmeshvar Kurre S/o Prem Lal Aged About 31 Years R/o 119,
Khajurani, District Janjgir - Champa (C. G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, School Education
Department, Mahandai Bhawan Mantralaya, Nawa Raipur, District
Raipur (C.G.)

2 - The Director, Directorate Of Public Instructions, Atal Nagar,
District Raipur (C.G.)

3 - The District Education Officer, Raipur, District Raipur (C.G.)

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	: Shri Sunil Otwani, Senior Advocate along with Shri Abhinav Singh Chandel, Advocate
For Respondent(s)	: Shri Gary Mukhopadhyay, Addl. Advocate General along with Ms. Sakshi Bajpai, Panel Lawyer

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

07.09.2026

1. By the present writ petition, the petitioners have prayed for following relief:-

“ 1. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions and modify/amend the impugned advertisement dated 16.04.2026 (Annexure P/1) issued by the respondent authorities to the extent that it omits the statutory relaxation, and direct the authorities to explicitly incorporate the mandatory 5% relaxation in minimum educational qualifications for candidates belonging to the SC/ST/OBC categories.

2] That, this Hon'ble Court may kindly be pleased to issue a writ/writs, order/orders, direction/directions directing the respondents to consider the case of the petitioner strictly in parity with the similarly situated candidates of the 2019 recruitment cycle who were granted the said relaxation vide Order dated 02.09.2025.

3] That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit

and proper in the aforesaid facts and circumstances of the case.

2. (a) Learned counsel for the petitioner would submit that advertisement dated 16.04.2026, issued by the Directorate of Public Instructions, Chhattisgarh, whereby the authorities have omitted to grant the mandatory relaxation in minimum educational qualifications to candidates belonging to SC/ST/OBC categories for the post of Assistant Teacher. According to the petitioner, advertisement issued by the State authorities is illegal, erroneous and contrary to law. The authorities, while issuing the advertisement, have failed to adhere to the orders passed by this Court in WA No. 501/2022 (*Abhishek Kumar Nirmalkar v. State of Chhattisgarh and other connected appeals*) as well as provisions of the RTE Act read with the guidelines issued by the NCTE dated 29.07.2011.

(b) He would further submit that the respondent authorities have expressly included a specific "Note" under Clause 2 of the impugned advertisement stating that the educational qualifications shall be recognized in accordance with NCTE notifications and Court judgments. However, despite this explicit inclusion, the terms of the advertisement and the

online application portal (CG Vyapam) restrict the petitioner, who belongs to a reserved category, from claiming the rightful statutory relaxation, thereby unlawfully debarring them from successfully submitting the application form.

(c) He would submit that the action on the part of the respondents is highly discriminatory and unreasonable, as the Directorate of Public Instruction itself, vide Order dated 02.09.2025, had previously recognized and formally implemented a 5% relaxation in minimum educational qualifications for similarly situated candidates of the 2019 recruitment cycle in compliance with the orders of this Court. Deliberately ignoring this established legal position and denying the exact same relief to the candidates of the current 2026 recruitment cycle amounts to a gross violation of the petitioner's fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India.

(d) He would submit that for want of the requisite modification in the advertisement and the online portal, which is not within the control of the petitioner, the petitioner is neither in a position to successfully submit the application form nor are they in a position to participate in the

recruitment process for the post of Assistant Teacher. It is an admitted position that the mandate for granting the educational relaxation is settled by this Court, and the State is also aware about the said facts; therefore, the authorities have committed gross illegality in issuing the impugned advertisement and restricting the portal. He would submit that due to the arbitrary omission in the impugned advertisement and due to the lethargic attitude on the part of the authorities in failing to update the criteria in conformity with the settled law, the petitioner is suffering severe prejudice, irreparable loss, and a blatant deprivation of their fundamental right to seek public employment.

(e) Learned Senior Counsel submits that though, in the advertisement dated 16.04.2026, under the clause relating to educational qualifications, a specific remark has been made that all notifications and the law laid down by the Court shall be followed while considering the eligibility of the candidates, the law laid down by this Court in Writ Appeal No. 501/2022 and other connected matters, decided on 10.02.2023, particularly the observation made in paragraph 51 of the said writ appeal, wherein it has been observed that the SC/ST/OBC

candidates are entitled to 5% relaxation in their academic qualifications, has not been specifically mentioned the said criteria in the advertisement.

3. Learned counsel for the State submits that the petition has been filed on the assumption that the recruiting agency will not comply with the law laid down by the Court, particularly by the Division Bench of this Court in Writ Appeal No. 501/2022 and other connected matters. Whereas, by referring to the remarks clause of Clause 2, wherein the prescribed eligibility qualifications have been mentioned, it has been specifically stated that all notifications and the observations made by the Court will be complied with. Hence, the present writ petition is premature and no cause of action has arisen till date.
4. I have heard learned counsel for the parties and perused the document appended with the petition.
5. Considering the submissions made by learned counsel for the parties, the writ petition is disposed of with an observation that, since the advertisement specifically provides that the law laid down by this Court shall be followed and the notification of the N.C.T.E. dated 29th July, 2011 shall also be complied with, the recruiting agency is bound to ensure strict

compliance thereof. As no cause of action has arisen to the petitioner as on date, the present writ petition is premature. However, the petitioner shall have liberty to approach this Court, if the recruiting agency fails to follow the law laid down by this Court in Writ Appeal No.501/2022 and other connected matters, and the aforesaid notification, and a cause of action consequently arises.

Sd/-

(Bibhu Datta Guru)
Judge

Shoaib