

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.2206 of 2011

Pitamber, S/o Shri Paretan Sahu, aged about 32 years,
R/o Mahuabhata, Post Mohgaon, Tahsil Saja, District Durg
(C.G.).

---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department
of Panchayat & Rural Development, D.K.S. Bhawan,
Raipur (C.G.).
2. The Collector, Durg, District Durg (C.G.).
3. The Chief Executive Officer, Janpad Panchayat Nawagarh,
District Durg (C.G.).

---- Respondents

For Petitioner: Mr. P.P. Sahu, Advocate.

For Respondents No.1 & 2/State:
Mr. Suvigya Awasthi, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

03/11/2015

1. The petitioner applied to the post of Shiksha Karmi Grade-
III, Janpad Panchayat, Nawagarh. Selection and
appointment of Shiksha Karmi is governed by the
Chhattisgarh Panchayat Shiksha Karmis (Recruitment and
Conditions of Services) Rules, 1997 (for short 'the Rules,
1997'). The petitioner in support of his experience, for

which 12 marks were prescribed under Rule 5 (9) (1) (b) of the Rules, 1997, submitted a certificate issued by the Block Education Officer, Saja countersigned by the Head Master of Primary School, Mahuabhata. On the basis of the certificate, the petitioner was given 12 marks for teaching experience in the Janbhagidari school. On a complaint made that the petitioner did not have the experience in teaching in Janbhagidari school, an enquiry was made by the Collector, Durg and an order was passed on 2-12-2008 in which such certificate was found to be fake, as no such certificate was issued from the Office of the District Education Officer, Saja. It has further been held that the petitioner did not have the experience of teaching in Janbhagidari school, therefore, he is not entitled to get 12 marks and as such, his appointment on the said post was cancelled as 12 marks were deducted from the marks awarded to him, as he was not qualified.

2. The petitioner preferred appeal / revision before the Commissioner, Raipur Division, Raipur and the Commissioner affirmed the order passed by the Collector, Durg, holding that the petitioner did not have the experience of teaching in Janbhagidari school and therefore, the Collector has rightly passed the order cancelling appointment of the petitioner against which this

petition has been filed by the petitioner.

3. Mr. P.P. Sahu, learned counsel for the petitioner, would submit that the petitioner has teaching experience in the Government schools which is equivalent to teaching experience in Shiksha Guarantee Scheme Center, Janbhagidari Schools, D.P.E.P. Alternative Schools, Non-formal Education Center, cent-percent aided State Government and in Village Schools recognized by the Janpad Panchayat & Zila Panchayat and, therefore, the petitioner was rightly awarded marks by the Janpad Panchayat which has erroneously been set aside by the Collector by his order dated 2-12-2008 and the Commissioner has committed illegality in affirming the same.
4. On the other hand, Mr. Suvigya Awasthi, learned Panel Lawyer appearing on behalf of the State/respondents No.1 & 2, would support the impugned order.
5. I have heard learned counsel for the parties, perused the order impugned, copy of the order passed by the Collector and copies of other documents and also perused the relevant provisions of law with utmost circumspection.
6. It is evident from the order of the Collector that the certificate of experience which the petitioner submitted at

the time of his appointment was found fake by the Collector on his enquiry. It is not in dispute that the school in which the petitioner had worked for three years is not the Janbhagidari school, it is a Government Primary School, Mahuabhata. The qualification prescribed under Rule 5 (9) (1) (b) of the Rules, 1997, is that 12 marks can be awarded for teaching experience in Shiksha Guarantee Scheme Center, Janbhagidari Schools, D.P.E.P. Alternative Schools, Non-formal Education Center, cent-percent aided State Government and in Village Schools recognized by the Janpad Panchayat & Zila Panchayat. Thus, the petitioner is not having teaching experience in any of the aforesaid schools and even the petitioner had produced a fake certificate claiming to have teaching experience in Janbhagidari school which has been set aside by the Collector.

7. A candidate in order to apply for the post of appointment as Shiksha Karmi must have educational qualification as per the rules. Marks for teaching experience can be given in accordance with the rules prescribed in that behalf.
8. Admittedly, the petitioner did not have the teaching experience in Janbhagidari school and he submitted fake certificate that he has teaching experience in Janbhagidari

school which has been found to be false on enquiry by the Collector and resultantly, his appointment has been cancelled and that has been affirmed by the Commissioner in revision / appeal.

9. In view of the aforesaid finding, the finding of the Collector as affirmed by the Commissioner is based on record, it is not perverse as the petitioner did not have the necessary teaching experience in Janbhagidari school and on the contrary, he produced fake certificate which has been found by the Collector on enquiry, as such, there is no jurisdictional error in the concurrent findings recorded by the Collector and affirmed by the Commissioner to exercise the jurisdiction of this Court under Article 226 of the Constitution of India.
10. Consequently, the petition is liable to be dismissed and is hereby dismissed. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge