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HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No.249 of 2015

Smt.Chandra Kiran Sahu W/o Ravindra Kumar Sahu Aged About 36 Years R/o.
Ganesh Chowk Para, Potiyadih, Police Station & Post Potiyadih, Tahsil
Dhamtari, Civil & Revenue District Dhamtari, C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Maanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board Raipur Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research Training Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- Respondent

And

WPC No.242 Of 2015

Amit Kumar S/o Bhagirathi Aged About 24 Years R/o Village Bundela, Police
Station Bodsara, Tahsil Bilha, Civil & Revenue Dsitric Bilaspur, C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- Respondent

And

WPC No.243 Of 2015

Kirti Lata Sahu D/o Sampat Lal Sahu Aged About 22 Years R/o Baloda Bazar,
Police Station & Post Baloda Bazar, Civil and Revenue District Baloda Bazar,
C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department,
Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur,
District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination
Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension
Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through
Its Director, Raipur, District Raipur, C.G.

---- Respondent

And

WPC No.244 Of 2015

Kartik Ram Nevendra S/o Sevak Ram Nevendra Aged About 28 Years R/o
Village & Post Haradula, Tahsil Charama, Police Station Haradula, Civil &
Revenue District Kanker, C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department,
Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur,
District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination
Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension
Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through
Its Director, Raipur, District Raipur, C.G.

---- Respondent

And

WPC No.245 Of 2015

Niteshwari Sahu D/o Prahlad Sahu Aged About 22 Years R/o Bazarpara,
Surdongar, Keshkal, Police Station & Post Keshkal, Tahsil Keshkal, Civil &

Revenue District Kondagaon, C.G.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- **Respondent**

And

WPC No.246 Of 2015

Tarun Kumar Sahu S/o Dihendra Sahu Aged About 21 Years R/o Bhanpuri, Post Bhanpuri, Tahsil Bastar, Police Station Bhanpuri, Civil & Revenue District Bastar, C.G.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- **Respondent**

And

WPC No.247 Of 2015

Shivnandan Prasad Yadav S/o Raghunandan Prasad Yadav Aged About 36 Years R/o Bartori, Tahsil Bilaspur, Civil & Revenue District Bilaspur, C.G.

---- **Petitioner**

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- Respondent

And

WPC No.248 Of 2015

Sunil Prakash Gupta S/o Parmanand Gupta Aged About 36 Years R/o Village & Post Chaki, Police Station Ramanujganj, Civil & Revenue District Ramanujganj-Balrampur, C.G.

---- Petitioner

Vs

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mahanadi Mantralaya, Naya Raipur, Post Office & Police Station Naya Raipur, District Raipur, C.G.
2. Chhattisgarh Professional Examination Board, Raipur, Through Examination Controller, Pension Bada, Raipur, District Raipur, C.G.
3. Examination Controller, Chhattisgarh Professional Examination Board, Pension Bada, Raipur, District Raipur, C.G.
4. Chhattisgarh State Council Of Education Research & Training, Raipur, Through Its Director, Raipur, District Raipur, C.G.

---- Respondent

For Petitioners	:	Shri Vaibhav Goverdhan, Advocate
For Respondent/State	:	Shri S. P. Kale, Dy. A.G.
For Respondent No.2/Board:	:	Dr. S. K. Pandey, Advocate

Order On Board

01/09/2015

A short dispute, which arises for consideration in these aforestated cases is with regard to status, to which, the petitioners are entitled.

2. It is not in dispute that the petitioners submitted their application for appearing

in the Teachers Eligibility Test to be conducted by the Chhattisgarh Professional Examination Board (In short “the Board”). According to the petitioners, they belong to O.B.C. (non creamy layer category). However, at the time of filing OMR sheets, the word “creamy layer” was mentioned. This led to assessment and declaration of the results treating the petitioners as O.B.C. (creamy layer). As minimum cut off mark for eligibility for O.B.C. (non-creamy layer category) is 50% and that prescribed for O.B.C. (creamy layer category) is 60%, the petitioners in these batch of petitions were held not qualified in the examination.

3. Submission of learned counsel for the petitioners is that the petitioners belong to O.B.C. (non-creamy layer category) as is evident from their respective certificates placed on record. It is submitted that the petitioners, due to inadvertent mistake mentioned themselves as O.B.C. (creamy layer), whereas actually they are belonged to O.B.C. (non-creamy layer).

4. On the other hand, learned counsel for the respondent-Board submits that there is no mistake committed by the respondent-Board. The petitioners were assessed on the basis of declaration given by them. If there is any mistake in giving such declaration, the respondent-Board cannot be faulted.

5. Learned State counsel submits that it is a matter of dispute between the petitioners and the examination conducting agency.

6. It appears that though the petitioners claim to be O.B.C. (non-creamy layer category), while filling O.M.R. Sheets, they declared themselves as O.B.C. (creamy layer category). In their application form, which was originally submitted as also in their admit cards, the petitioners were declared as O.B.C. (non-creamy layer). Considering this aspect of the matter, it appears that at the stage of filling the O.M.R. Sheets during examination, the petitioners gave declaration contrary to the declaration given by them at the time of filling their application form. In such an eventuality, fairness demands that the petitioners should be accorded that status, to which, they are actually entitled under the law. For this purpose, the certificates of caste status as

issued by the competent authority has to be taken as valid basis. Each of the petitioners have placed on record their certificates. The respondent-Board may get it verified from the competent authority, who is said to have issued these certificates and upon proper verification, if it is found that the certificates were issued by the authority, which have been produced by the petitioner before this Court, the results of the petitioners shall be accordingly modified by treating them as O.B.C. (non-creamy layer).

7. Considering that without getting eligibility certificates, the petitioners may not be able to apply for teaching post, it is directed that if the petitioners submit certified/attested photocopy of their respective caste certificates before the respondent-Board and also produce original certificates for inspection, the respondent-Board shall get it verified from the competent authority by sending memo to them and then pass appropriate order for issuing mark sheets/eligibility certificates within a period of 45 days from the date of receipt of verification report from the competent authority.

8. With the aforesaid direction, these petitions stand disposed off.

Sd/-
Manindra Mohan Shrivastava
Judge