

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5471 of 2012

- Kumari Basanti Bhagat daughter of Shri Somnath Bhagat, Aged About 20 Years, resident of village and post office Kusmi, P.S. Kusmi, Dist. Balrampur Ramanujganj C.G.

---- Petitioner

Versus

1. State Of Chhattisgarh Through the Secretary, General Administration Department, Mahanadi Bhawan, Naya Raipur District Raipur (Chhattisgarh)
2. Commissioner (Revenue.) Surguja Division Dist. Surguja C.G.
3. Collector Balrampur, District Balrampur-Ramanujganj (Chhattisgarh)
4. Upper Collector Balrampur District Balrampur-Ramanujganj (Chhattisgarh)
5. Sarita Khakha D/o Shri Agastus Khakha Aged About 25 Years Resident of in front of Gandhi Nagar Dairy Farm, Post Office Fundurdihari, Ambikapur, P.S. Gandhi Nagar, Dist. Surguja C.G.

---- Respondent

For Petitioner	Mr. V.K. Pandey, Advocate
For Respondent /State	Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/9/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioner would assail the order (Annexure P/1), whereby, respondent No.5 has been appointed as Steno-typist in the establishment of District Collectorate, Balrampur, Ramanujganj.

(3) The petitioner and respondent No.5 appeared in the subject recruitment pursuant to the advertisement (Annexure P/2). The merit list prepared vide Annexure P/14 mentions the petitioner at Sl. No.3 as S.T. Category candidate, whereas, the name of respondent No.5 was not mentioned. The petitioner was allowed to discharge duties during the Patwari Recruitment Examination vide order passed by the Collector, Balrampur, Ramanujanj on 22.09.2012. Subsequently, instead of appointing the petitioner, the respondent authorities appointed respondent No.5.

(4) Learned counsel for the petitioner would contend that in the Baster and Sarguja Division, the requirement of producing a certificate of having a diploma or knowledge of computers has been done away with/exempted by the Circular issued by the State Government on 26.03.2012 and similarly, there is no requirement of producing a certificate of having passed examination of Steno-typist, therefore, denial of appointment to the petitioner on these grounds is illegal.

(5) Learned counsel for the State would submit that after publication of the merit list, when the documents were scrutinized, it was found that in the certificate submitted by the petitioner in proof of her qualification of having a certificate of steno-typing, recorded the result as "fail" in the steno-typing examination. Therefore, the petitioner was not eligible for appointment, as she was lacking in essential qualification in view of the eligibility condition No.2 for appointment on the post of Steno-typist.

(6) A plain reading of original Advertisement (Annexure P/2), amended Advertisement (Annexure P/3) and the Notification dated 26.03.2012 would indicate that in the first as well as amended

advertisements, there was no change in the education qualifications mentioned at Sl. Nos.1 & 2. The essential qualification at Sl. No.3 only suffered amendment wherein it was provided that in addition to the certificate issued by a recognized institution, the certificate issued by an unrecognized institution with respect to the certificate of Data Entry Operator/Programming with experience of 5000 key depression per hour would be admissible. No relaxation was provided in respect of submission of proof of having passed steno-typing examination. Similarly, the Circular dated 26.03.2012 also speaks about exemption from producing certificate of having computer diploma from recognized institution. Here again, no relaxation has been provided with respect to the essential qualification of having passed the matriculate examination and steno-typing examination .

(7) Since admittedly, the certificate produced by the petitioner clearly mentions that she has not passed the steno-typing examination, she was not eligible for the post and has rightly been disallowed for appointment.

(8) For the foregoing, there is no substance in the writ petition. The writ petition deserves to be and is hereby dismissed. However, the petitioner would be at liberty to move representation for salary of the period, during which, she has worked in the Collectorate.

Sd/-

Judge

(Prashant Kumar Mishra)