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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3274 of 2015**

- Smt. Jyoti Bhagat W/o Shri Lalit Mohan Bhagat, Age 37 Years Occupation House Wife, R/o Plot No. 103, Krishna Vatika, Boirdadar, Raigarh Chhattisgarh 496001

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Home Affairs, Government of Chhattisgarh, Mahandi Bhawan, P.S. Rakhi, P.O. Naya Raipur, District Raipur Chhattisgarh 492002
2. The Secretary, Chhattisgarh Public Service Commission Raipur, P.O. Shanker Nagar, District Raipur Chhattisgarh 492001.
3. The Director, State Forensic Science Laboratory, Raipur, P.S. Tikrapara, P.O. Bairon Bazar, District Raipur Chhattisgarh 492001

---- Respondents

For Petitioner	:	Shri Sudeep Verma, Advocate
For Respondent-State	:	Shri PK Bhaduri, GA for the State
For Respondent No.2	:	Shri Ashish Shrivastava, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****08/09/2015**

1. Petitioner would assail the advertisement Annexure P-1, whereby the Chhattisgarh Public Service Commission (for short 'the Commission') has advertised posts of Scientific Officer (Chemistry) amongst other posts. The petitioner belongs to Schedule Tribe community. Two posts of Scientific Officer (Chemistry) are reserved for the Schedule Tribe candidates.
2. According to the petitioner, the Chhattisgarh Forensic Science Laboratory

(Gazetted), Service Recruitment Rules, 2006 (for short 'the Rules, 2006') provides for relaxation of experience qualification for the reserved category candidates, yet the advertisement does not mention such relaxation, therefore, the impugned advertisement being contrary to the Rules, 2006, it deserves to be quashed.

3. Rule 11 (A) of the Rules, 2006 enables the Commission to relax the conditions of experience in the event candidates belonging to Schedule Tribe and Schedule Caste having the requisite experience are not available. It nowhere mandates that all candidates belonging to Schedule Caste and Schedule Tribe category shall be entitled for relaxation of condition of experience from the inception and that is necessarily to be mentioned in the advertisement. It is in the discretion of the Commission to grant such relaxation, if it finds that sufficient number of candidates belonging to Schedule Caste and Schedule Tribe category having requisite experience are not available. Even the last date for submission of application has not yet expired, therefore, it is premature to conclude that the Commission would not receive applications from the Schedule Caste and Schedule Tribe category candidates who have requisite qualifications.
4. In the considered opinion of this Court, the advertisement does not suffer from any violation of the statutory rules.
5. The writ petition has no substance. It deserves to be and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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