

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2188 OF 2016**

Anuradha Agrawal, W/o Shri Din Dayal Agrawal, aged about 32 years, Occupation Service presently working as Naib Tahsildar, Thasil Kartala, Up-Thasil Barpali, Thana Kartala, District Korba (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary, Department of General Administration, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
2. State of Chhattisgarh Through Secretary, Department of Revenue and Disaster Management, Mantralaya, Mahanadi Bhawan, Naya Raipur (C.G.)
3. Chhattisgarh Public Service Commission, Through its Secretary, Shankar Nagar Road, Raipur (C.G.)
4. Controller of Examination, Chhattisgarh Public Service Commission, Shankar Nagar Road, Raipur (C.G.)
5. Abhishek Diwan, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur (C.G.), (Selected as Deputy Collector in State Service Examination-2014).
6. Nand Kumar Chaubey, C/o Chhattisgarh Public Service Commission, Through its Secretary, Shankar Nagar Road, Raipur (C.G.) (Selected as Deputy Collector in State Service Examination-2014).

---Respondents

For Petitioner	: Mr. Vinay Pandey, Advocate
For respondents No. 1 & 2/State	: Mr. Diraj Wankhede, Govt. Advocate
For respondents No. 3 & 4	: Mr. B.D. Guru, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****11/07/2016**

1. Heard on admission.
2. Learned counsel for the petitioner submits that according to the advertisement, not only a disabled candidate of Reserved category namely

Scheduled Castes, Scheduled Tribes and Other Backward Classes was entitled to relaxed minimum qualifying marks criteria but also a disabled candidate of General category.

3. Learned counsel appearing for the respondents No. 3 & 4 referring to the terms of advertisement submits that relaxed minimum qualifying marks criteria for Reserve category candidate as well as disabled candidate was applicable only in the preliminary examination. In the matter of minimum qualifying marks required to be obtained by candidate to qualify in the written examination, *Chhattisgarh Lok Sewa Ayog Prikiya Niyam, 2004* (in short 'the Rules') are applicable under which the benefit of relaxed minimum qualifying marks criteria is provided to those categories of candidates who have been specified in Rule 7 of the Rules. He submits that beneficiary class belongs to reserved category and reserved sub category. The petitioner though belongs to disable category, he neither falls within the reserved category nor reserved sub category as defined in Clause 2.13.

4. A plain and conjoint reading of Clauses 2.13, 2.14, 2.15, 2.16 along with provision contained in Clause 7 of the Rules shows that Rule does not provide benefit of relaxed minimum qualifying criteria to disable candidate belonging to General category.

5. In view of the above, no relief can be granted to the petitioner in this petition, therefore, the petition is dismissed. However, liberty is reserved in favour of the petitioner to challenge the validity of the Rules, if so advised.

Sd/-
(Manindra Mohan Shrivastava)
Judge