

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5329 of 2016

1. Ku. Girja Verma D/o Santu Singh Verma Aged About 26 Years R/o Villag Lolesara Post & Tahsil Bemetara District Bemetara Chhattisgarh
2. Tarkesh Dhar Diwan S/o Chandra Dhar Diwan, Aged About 25 Years R/o Behind Sadhna News, B.T.I. Colony Bemetara District Bemetara Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rural Development, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Zila Panchayat, Bemetara Through The Chief Executive Officer Zila Panchayat Bemetara Chhattisgarh
3. Zila Panchayat, Baloda Bazar Bhatapara Through The Chief Executive Officer Zila Panchayat Baloda Bazar Bhatapara Chhattisgarh
4. Zila Panchayat, Dhamtari, Through The Chief Executive Officer Zila Panchayat Dhamtari Distirct Dhamtari Chhattisgarh
5. Zila Panchayat, Janjgir Champa, Through The Chief Executive Officer Zila Panchayat Janjgir Champa Distirct Janjgir Champ Chhattisgarh
6. Zila Panchayat, Mahasamund, Through The Chief Executive Officer Zila Panchayat Mahasamund, Distirct Mahasamund Chhattisgarh
7. Zila Panchayat, Mungeli, Through The Chief Executive Officer Zila Panchayat Mungeli, District Mungeli Chhattisgarh
8. Zila Panchayat, Raigarh, Through The Chief Executive Officer Zila Panchayat Raigarh District Raigarh Chhattisgarh
9. Zila Panchayat, Raipur, Through The Chief Executive Officer Zila Panchayat Raipur Distirct Raipur Chhattisgarh
10. Dr. C.V. Raman University, Through The Registrar Kargi Road, Kota, Distirct Bilaspur Chhattisgarh
11. Mats University, Through The Registrar Arang, District Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Vivek Dubey, Advocate.
For State	:	Mr. S.P. Kale, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/10/2016

Heard on admission.

1. This petition has been filed by the petitioners challenging initiation of process of selection for appointment to the post of Lecturer (Panchayat) under the jurisdiction of various Zila Panchayats in the State.

2. Learned counsel for the petitioners argue that various Zila Panchayats in the State have issued advertisement inviting application for appointment to the post of Lecturer (Panchayat) for being filled up on the basis of assessment of merit without holding any written examination. Learned counsel for the petitioners submits that if the basis of selection is merit without any written examination, due to different standards of education, it amounts to arbitrariness in the method of selection. The petitioners have made allegations that the standard of education in Government Colleges is far better than the standard of education in the private institutions, therefore, the candidates cannot be equated on a level playing field on the basis of the marks obtained in the qualifying examination from different institutions.

3. The governing Rules in the matter of appointment to the post of Lecturer (Panchayat) known as the Chhattisgarh Teacher (Panchayat) Cadre (Recruitment and Conditions of Service) Rules, 2012 make exhaustive provisions with regard to method of recruitment on various posts of Teachers which are Lecturer (Pachayat), Teacher (Panchayat), Assistant Teacher (Panchayat).

4. Rules (6)(1)(a) provides thus -

(6)(1) XXXXXXXXXXXXXXXXXXXXXXXXXXXX

(6)(1)(a) Direct recruitment through selection by merit or by competitive examination or as per order/instructions issued by the Government from time to time.

5. On the face of the aforesaid provision, it is clear that in the matter of recruitment to the service, direct recruitment can be made either by way of selection by merit or by competitive examination or as per order/instructions issued by the Government from time to time. Therefore, the Rule permits the authority to hold selection by merit also and it is not necessary that in every case they should hold selection only by competitive examination. As the Statutory Rules permits, this course of action to be adopted by the respondents, there is nothing wrong in the action of the respondents in holding selection by adopting mode of selection by merit without holding competitive examination. It be noted that the petitioners have not challenged the validity of the aforesaid Rules.

6. Therefore, in view of the above, the petition is frivolous and has no merit.

7. With the aforesaid observations, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
J U D G E