

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 2061 of 2017**

- Smt. Anurag Dubey W/o Shri Prasanna Dubey, Aged About 44 Years  
R/o D/26 Vijayapuram, Seepat Road, Bilaspur, District Bilaspur  
Chhattisgarh

---- **Petitioner****Versus**

1. State Of Chhattisgarh, Through Secretary, Department Of Higher Education, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar, Raipur, District Raipur Chhattisgarh

---- **Respondent**


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|-----------------------|----------------------------------|
| For Petitioner        | Mr. Vikas Dubey, Advocate        |
| For Respondent /State | Mr. Arvind Dubey, Advocate       |
| For Respondent/PSC    | Mr. Ashish Shrivastava, Advocate |

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**Hon'ble Shri Justice Prashant Kumar Mishra**  
**Order On Board**

**1/5/2017**

1. Heard.
2. The petitioner would challenge the action of respondent -PSC, which have conducted the examination of Assistant Professor on 28.09.2016, on the ground that the petitioner had earlier written the aforesaid examination on 21.5.2016, therefore, for the same recruitment, another examination is not permitted as it gives additional time to the candidates, who had appeared in the subsequent examination. He would submit that the principle of equality would mandate that for one particular recruitment, there has to be only one examination and not more

than one.

3. Mr. Ashish Shrivastava, learned counsel for the PSC, would submit that the subsequent examination was conducted in compliance of the order passed by this Court on 19.5.2016 in WPS No.1966 of 2016 and other connected petitions (Annexure P/8).
4. From a bare reading of the order dated 19.05.2016 passed in WPS No.1966 of 2016 and other connected petitions, it would appear that this Court had recorded the statement of the Counsel for the PSC that for the petitioners therein and like candidates, who had already applied pursuant to the subject advertisement, separate examination shall be conducted, however, result thereof shall be subject to final outcome of the petitions.
5. This Court did not pass any interim order, because, an undertaking was already made before this Court, however, this Court directed the PSC to submit affidavit giving details of the schedule of the examination to be conducted for the petitioners of the said writ petitions and the like candidates, who had already applied pursuant to the subject advertisement.
6. The entire order has to be read as a whole not in isolation. The only interpretation or conclusion which can be drawn from reading of the entire order is that this Court permitted the PSC to conduct separate examination, therefore, it is not a case where the PSC has conducted a separate examination on its own for giving undue advantage to few ones.

7. There is no violation of Article 14 or 16 of the Constitution of India, because, the examination has been conducted in compliance of
8. the orders passed by this Court.
9. The writ petition has no substance, it fails and is hereby dismissed.

Sd/-

Judge

**(Prashant Kumar Mishra)**

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