

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2506 of 2017**

Smt. Rashmita Dubey W/o Shri Ashok Dubey, Aged About 46 Years R/o
Beside Sr. M I G-5, Nehru Nagar, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department, Indravati Bhawan, Naya Raipur, Tahsil & District : Raipur , Chhattisgarh.
2. State Council Of Education Research & Training, Chhattisgarh. Through Its Director, Shankar Nagar, Raipur, Tahsil & District : Raipur Chhattisgarh.
3. District Education Officer, Mungeli, Tahsil & District : Mungeli, Chhattisgarh.
4. Principal Government High School, Barela, Tahsil & District Mungeli, Chhattisgarh.
5. Bilaspur University, Through Its Registrar Old High Court Building, Bilaspur, Tahsil & District : Bilaspur, Chhattisgarh.
6. Principal, Institute Of Advanced Studies Of Education, Bilaspur (Earlier Known As The Government Education College), Bilaspur, Tarbahar, Bilaspur, Tahsil & District: Bilaspur, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Rajkamal Singh, Advocate
For State/Respondent	:	Shri Satish Gupta, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****12.06.2017**

1. With the consent of Learned Counsel for the parties, the matter is heard finally.
2. The grievance of the Petitioner in the present writ petition is non-granting of permission to the Petitioner to participate in the entrance examination of M.Ed. Biennial course. The Rule framed in this regard has been enclosed alongwith this writ petition as Annexure P/2. As per Clause-7 of the said Rules, online applications were to be made within 25.03.2017 to 30.04.2017 and a hard copy in this regard was to be obtained and to be placed before the institutional head where the

candidate was working. Thereafter, the institutional head had to forward the application by 08.05.2017 to the District Education Officer. In the instant case, admittedly, the online application and the hard copies were all filled and obtained by the Petitioner within the time limited stipulated as per Rules. However, the institutional head i.e. Respondent No.4, the Principal of the school where the Petitioner was teaching did not forward the same on account of which the Petitioner has not been given the call letter for participating in the entrance examination.

3. In the present case, notice was issued on 02.06.2017. Today, reply of the State Government has been filed and the State Government opposes the petition only on the ground that Respondent No.4-Principal has for justified reasons not forwarded the application of the Petitioner for participating in the entrance examination of M.Ed. Biennial course. Respondent No.4 states that because, at her present place of posting, the Petitioner is the only teacher for the mathematics subject, therefore, her application was not forwarded.
4. A perusal of the Rules pertaining to the admission to the said M.Ed. Examination shows that the only ground on which the application would not be forwarded is if the candidate or the teacher is in his/her probation period. In the instant case, the Petitioner is the permanent lecturer and has been confirmed on the post on 17.05.2016 vide Annexure P/1. The State Counsel has not been able to show any Rule wherein it has been said that in the event of their being only one teacher available, the Principal need not to forward the application.

5. In the absence of any such Rule empowering the principle from not sending or forwarding the application, the action on the part of Respondent No.4 in not forwarding the application of the Petitioner is apparently illegal.
6. As a consequence, it is ordered that the Petitioner is entitled for participating in the entrance examination of the M.Ed. Biennial course. Let appropriate steps be taken forthwith by Respondents No.2 to 4 and 6 ensuring grant of appropriate permission to the Petitioner well before the date of the examination so that the Petitioner can participate in the entrance examination of the M.Ed. Biennial course.
7. Let the State Counsel also communicate the order of this Court by telephone to the concerned Officer so that the appropriate actions can be initiated at the earliest considering the short interval of time left for the entrance examination.
8. With the aforesaid observations/directions, the writ petition stands finally disposed of.

Certified copy today.

Sd/-

(P. Sam Koshy)
Vacation Judge

Anu