

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WP (S) No. 6335 of 2014

1. Laxmi Ghudaswar D/o Shri Mahadeo Ghudaswar, aged about 39 years, R/o 79, Jugani Kalar, Kondagaon, CG

---- Petitioner

Versus

1. State of Chhattisgarh through the Secretary, Department of Women and Child Development, Mahanadi Bhawan, Mantralaya, Post & PS Mandir Hasaud, Raipur, CG
2. Director, Directorate of Women and Child Development, Indrawati Bhawan, Block-A, Second Floor, New Raipur, CG
3. Chhattisgarh Vyavsayik Pariksha Mandal (VYAPAM) through the Controller, Raipur, CG

----- Respondents

For Petitioner :	Shri Jitendra Pali, Advocate
For Respondents No.1 &2:	Shri Adil Minhaj, PL
For Respondent No.3:	Dr. Sourabh Pandey, Advocate

Hon'ble Shri Justice Pritinker Diwaker

Order on Board

24/01/2017

Pursuant to advertisement (Annexure P-4), 415 posts of different categories were advertised and the petitioner who was already working as Angan Wadi Worker also applied for the post of Supervisor. According to her case, she filled-up the application form showing herself to be a scheduled caste

candidate but despite the fact that she cleared the entrance examination, appointment was refused to her on the sole ground that she does not belong to scheduled tribe category. The petitioner has assailed the order dated 29.10.2014 (Annexure P-1) showing her name at S. No. 32 as ineligible.

2. Counsel for the petitioner submits that once the petitioner appeared in the entrance examination as a scheduled caste candidate, her candidature could not have been rejected by respondent No.1 merely on technical ground that in the OMR sheet she has disclosed herself to be of Scheduled Tribe category. He submits that even if there is some technical mistake on the part of the petitioner while filling-up the OMR sheet, considering the genuineness of the case, such triviality should have been ignored. He submits that the petitioner also made a representation to respondents 2 and 3 but nothing has been done thereon.

3. On the other hand counsel for respondent No.3 which conducted the entrance examination submits that while filling-up the OMR sheet the petitioner has clearly disclosed herself to be a candidate of scheduled tribe category and thus the respondent No.3 was justified in rejecting her candidature. He submits that as all the informations are processed software based and that if any incorrect information has been supplied by the petitioner, she has to blame herself. That apart, it is submitted by counsel for respondent No.3 that the VYAPAM merely being an Examination conducting authority it was not

within its control to make any correction in the OMR sheet as all informations disclosed therein by the candidates are software based. He submits that after filling-up OMR sheet the petitioner has also signed and verified the declaration to the effect that all informations disclosed by her are true and correct and if they are found to be incorrect, it would be her responsibility alone.

4. Supporting the stand of respondent No.3, it has been argued by the State counsel that once the petitioner herself has supplied the incorrect information, she is not entitled for the relief claimed by her. He further submits that as the entire select list has been prepared by respondent No.3 and pursuant to that the appointments have also been made, nothing can be done at this stage.

5. After hearing the counsel for the parties and considering the documents on record, it is clear that in the OMR sheet the petitioner has disclosed herself to be a Scheduled Tribe candidate. She has also verified the said statement to be true and correct and in case of any information being incorrect, she herself is responsible for the same. In these circumstances, no fault lies on the State Government because the entire examination proceedings are carried out by respondent No.3. Even respondent No.3 cannot make any correction in the OMR sheet because all informations so furnished are processed software based.

6. Petition thus has no substance and being so it is hereby dismissed. It would however be open for the State authorities to consider the representation of the petitioner in accordance with law, if made by her.

Sd/-

(Pritinker Diwaker)
Judge

Jyotishi