

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) 755 of 2018**

Pratibha Chandrkar W/o Prakash Chandrkar, aged about 27 years, R/o Village and Post Birkoni, Tahsil, Civil and Revenue District Mahasamund (Chhattisgarh).

---- Petitioner**Versus**

1. The State of Chhattisgarh through the Secretary, Panchayat and Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Chhattisgarh Professional Examination Board, Raipur, District Raipur (Chhattisgarh).
3. Zila Panchayat, Gariyaband, through Chief Executive Officer, Zila Panchayat Gariyaband, District Gariyaband (Chhattisgarh).
4. Block Education Officer, Gariyaband, District Gariyaband (Chhattisgarh).
5. Shraddha Kumbhakar D/o Dauram Kumbhakar R/o Vikash Khand Finfeshwar, Government High School, Beltukri, District Gariyaband (Chhattisgarh).

---- Respondents

For Applicant	:	Shri Punit Ruparel, Advocate
For State/respondents 1 & 4	:	Shri Sangharsh Pandey, Dy. Govt. Advocate
For Respondent No. 3	:	Shri K. P. S. Gandhi, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.03.2018**

1. The grievance of the petitioner in the present writ petition is that pursuant to advertisement (Annexure P-1) for filling up the post of Lecturer Panchayat, the petitioner had applied for the said post. When the result was declared, her name reflected at second position in the merit list, yet the petitioner was not

granted appointment and the appointment has been granted to respondent no. 5, which according to the petitioner is arbitrary and illegal.

2. The contesting respondent no.3 has entered appearance and filed an affidavit of the competent officer submitting that the advertisement which was published for the post of Lecturer Panchyat in Science subject, the qualification prescribed was mentioned in Clause-2.5 of the advertisement itself, showing the different subjects in which a candidate should have graduation degree. According to respondent No. 3, the petitioner herein did not have a degree in any of those subjects as is envisaged in Clause 2.5 of the advertisement. Rather the petitioner had a degree in Home Science for which the petitioner was not found eligible for appointment and accordingly respondent No. 5, who was a graduate in science subject has been selected.
3. Undisputedly, the petitioner has done her degree course in Home Science. Home Science is not one of the subjects which has been said to be the required qualification for the post of Lecturer Panchayat in science subject as per the advertisement.
4. In the given facts and circumstances of the case, since the petitioner does not have the minimum eligibility criteria as per the advertisement, the non selection of the petitioner cannot be said to be in any manner arbitrary. Moreover, respondent No. 5 was the next candidate in the merit list who fulfilled the eligibility criteria.
5. The writ petition thus being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge