

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 101 of 2012**

Smt. Rajeshwari Sharma, W/o. Shri Sanjay Kuamr Sharma, Aged about 31 years, C/o. C.L. Sharma, C-232, Rohini Puram, Raipur (C.G.)

---- Petitioner

Versus

1. State of Chhattisgarh, Through: The Secretary, Department of Higher Education, D.K.S. Bhawan, Raipur (C.G.)
2. Director, State Council of Educational Research & Training, Shankar Nagar, Raipur, Chhattisgarh (C.G.)
3. Vice-Chancellor, Pandit Ravi Shankar Shukla University, Raipur (C.G.)
4. Chief Executive Officer, Zila Panchayat, Raipur (C.G.)
5. Principal, Government Higher Secondary School, Godi, Tehsil-Aarang, Distt. Raipur (C.G.)
6. Principal, Government College of Education, Raipur (C.G.)

---- Respondents.

For Petitioner	:	Mr. Pragallabh Sharma, Advocate.
For Respondents No. 1, 2, 5 & 6	:	Mr. Arun Sao, Dy. Advocate General.
For Respondent No. 3	:	Mr. Manoj Kumar Dubey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

25/07/2018

1. The petitioner was granted admission in the M.Ed. Course for the year 2011-2012 and, thereafter, she was pursuing her course from the month of July, 2011. In the end of said academic year, candidature of the petitioner for M.Ed. course has been rejected by the respondent No. 2- Competent Authority on the ground of furnishing false information in the enrollment form, which has been questioned in this

writ petition.

2. Learned counsel appearing for the petitioner would submit that the petitioner has not submitted any wrong information in her enrollement form as she has initially been appointed as Contract Teacher vide order dated 26.08.2002 and thereafter appointment on the post of contractual teacher was converted to that of Shiksha Karmi Grade-I with effect from 1.5.2005 and, therefore, she being Shiksha Karmi Grade -I was entitled to take admission in the M.Ed. course on the basis of seniority, as such, rejection of the petitioner's candidature at the fag end of the M.Ed. course is bad and unsustainable in law.

3. Per contra, counsel for the State would submit that the candidate must be on the post of Shiksha Karmi- Grade I for admission the M.Ed. Course and the contractual teacher was not entitled to be admitted in the said course, therefore, the petitioner's candidature for the course of M.Ed. Course has rightly been rejected by the respondent No. 2 – competent authority.

4. I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also went through the record with utmost circumspection.

5. It is not in dispute that the petitioner was initially appointed as Contract Teacher vide order dated 26.08.2002 by the respondents and posted at Government Higher Secondary School, Godi, Aarang. Thereafter, the appointment of the petitioner on the post of Contractual Teacher was converted to that of Shiksha Karmi Grade-I with effect from 1.5.2005, as such, petitioner was Shiksha Karmi Grade -I on the date of making application, though she was appointed as Contract Teacher on 26.08.2002.

6. Though, the petitioner did mention in the enrollment form that she has appointed on the post Shiksha Karmi Grade -I on 30.08.2002 in place of 1.5.2005 but that cannot be termed as false entry in the enrollment form. The appointment of the petitioner on the post of Contractual Teacher was converted to that of Shiksha Karmi Grade-I by the competent authority with effect from 1.5.2005, she ought to have given the date of appointment on the post of Shiksha Karmi Grade -I with effect from 1.5.2005 in the enrollment form but incorrectly mentioning the date of appointment, her admission cannot be cancelled particularly when the Committee was constituted for verification of the application forms, as such it was the duty of said committee to verify the same and the petitioner cannot be made liable for bonafide error. Thus, rejection of the petitioner's candidature at the fag end of M.Ed. course cannot be sustained. Resultantly, the order dated 7.1.2012 rejecting candidate of the petitioner for M.Ed. course is liable to be set aside.

7. Accordingly, the writ petition is allowed. Impugned order dated 07.01.2012 is hereby set aside. The respondent No. 2 is directed to declare the result of the petitioner within a period of 30 days from the date of receipt of certified copy of this order.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

