

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3378 of 2011**

1. Janak Rao Kridat S/o Late Tribhuvan Rao Kridat, aged about 29 years, R/o Village Post Bhanupratappur Infont Of Maszid Distt. North Bastar Kanker CG 494 669.

---- Petitioner**Versus**

1. State Of Chhattisgarh, through its Secretary, General Administration Department, DKS Bhawan, Raipur (CG).
2. Secretary Higher Education Department DKS Bhawan Raipur CG
3. Commissioner Office Of Commissioner Higher Education Directorate Govt. Science College Campus Raipur CG.
4. Joint Director Office Of Commissioner Higher Education Directorate Govt. Science College Campus Raipur CG
5. Principal Govt. College Pakhanjur Distt. North Bastar Kanker CG
6. Principal Govt. College Bhakhara Distt. Dhamtari CG
7. Commissioner Bastar Division Distt. Bastar Jagdalpur CG

---- Respondent

For Petitioner	Shri Vinod Deshmukh, Advocate
For Respondent/State	Shri Shashank Thakur, Govt. Advocate
For Intervener	Shri Pushkar Sinha, Advocate

Order On Board**By****Prashant Kumar Mishra, J.****25/09/2018**

1. Petitioner was appointed as Assistant Grade III on the strength of his merit in the recruitment process, which commenced with the advertisement dated 23-6-2010 issued by the Commissionerate of Higher Education, Chhattisgarh, Raipur.

2. The petitioner was appointed on 19-8-2010, however, soon thereafter a complaint was made that the petitioner secured appointment without having the requisite qualification for the post of AG III. The matter was enquired in which the petitioner was permitted to participate and eventually the order was passed by the Commissionerate of Higher Education directing the Principal of college to cancel the petitioner's appointment.
3. Under the subject advertisement, the candidate applying for the post of AG III was required to pass Higher Secondary School Certificate Examination and should possess the speed of 25 w.p.m. in Hindi Typing from a recognised Board and should also have one year diploma certificate in Data Entry Operator/ Programming with Data Entry speed of 5000 key depression per hour from an institution recognised by the Government.
4. Admittedly, the petitioner was having the required certificates for the first two qualifications, but for the third qualification the institute from where he obtained the certificate of Data Entry Operator/ Programming was not the Govt. approved institution.
5. By an interim order dated 29-6-2011 the effect, operation and execution of the impugned order has been stayed and the petitioner is continuing in the services for the last more than 8 years. In the meanwhile, the petitioner has also obtained the required certificate of Data Entry Operator/Programming from the recognised University i.e. Dr. C.V. Raman University, Bilaspur, vide certificate dated 22-10-2012.

6. The petitioner has not withhold any information nor the certificate obtained by him from the Association of State Technology Developments was found to be spurious or forged. The only question was whether the said institute was recognised or not. It was for the respondents to have verified the certificate before issuing the letter of appointment in favour of the petitioner. In absence of petitioner having concealed any information from the recruiting agency or the appointing authority he cannot be blamed or accused of obtaining the order of appointment on misrepresentation or fraud, therefore, for the fact that the petitioner has subsequently obtained the required qualification from a recognised University/Institution would come to his rescue more particularly for the reason that by an interim order passed by this Court the petitioner continued in service and at present he has rendered more than 8 years of service as AG III, therefore, since as on date the petitioner possesses all the requisite qualifications for the post of AG III, the impugned order dated 14-6-2011 deserves to be and is hereby quashed.
7. In the result, the writ petition is allowed. No order as to cost(s).

Sd/-

Judge
Prashant Kumar Mishra

Gowri