

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 1963 of 2018**

1. Satyawan Kesharwani S/o Late Shiv Prasad Kesharwani Aged About 40 Years Working As Lecturer Panchayat, Now Lecturer (LB) Posted At High School Changori, Block Akaltara, Tehsil Akaltara, District Janjgir- Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, School Education Department Mantralaya, Mahanadi Bhawan, Naya Raipur, Tehsil, Revenue And Civil District Raipur, Chhattisgarh.
2. Director, State Council Of Educational Research And Training, Chhattisgarh, Raipur, Chhattisgarh.
3. Block Education Officer, Akaltara, Tehsil Akaltara, Revenue And Civil And District Janjgir- Champa, Chhattisgarh.
4. Principal, Institutes Of Advanced Studies In Education, Government Education College, (PGBT), Bilaspur, Near Tarbahar Chowk, Bilaspur, Tehsil And District Bilaspur, Chhattisgarh.

---- Respondent

For Petitioner
For Respondent/State

Shri Rupesh Shrivastava, Advocate
Shri Shashank Thakur, Govt. Advocate

Order On Board**By****Prashant Kumar Mishra, J.****18/09/2018**

1. Petitioner is seeking a direction to the respondents to allow admission in M.Ed. Course for the Educational Session/Year 2018-20.
2. Petitioner is working as Lecturer (LB) at Government High School Changori, Block Akaltara, Tehsil Akaltara, District Janjgir- Champa.

The respondent No.2/State Council of Educational Research & Training (SCERT) issued a communication on 24-3-2018 inviting applications from the eligible departmental candidates for admission in M.Ed. Course. The procedure prescribed for admission included forwarding of application by the Block Education Officer (BEO) to the District Education Officer (DEO), who, in turn, shall forward the same to the SCERT.

3. Petitioner was, in fact, allowed to appear in the examination and his name was included in the merit list yet he was declared disqualified for the reason that his name was not forwarded by the BEO.
4. From the documents filed with the writ petition, it is manifest that the petitioner had submitted the application form before the BEO along with all supporting documents on 4-5-2018, however, as per the stand of the respondent authorities, the BEO did not forward the same for the reason that the petitioner is the only candidate teaching English subject in the school.
5. The reason assigned for not forwarding the application has been taken by the BEO at his own level without there being any authority conferred on him in this regard. Once an application has been submitted for forwarding the same, the BEO has no discretion to refuse processing of the same for any viable reason.
6. The decision by the BEO to withhold forwarding of application, thus, suffers from an error of jurisdiction and authority. The BEO could have sought guidance from the higher authorities including the SCERT or the State Government, but he could not have kept the application pending at his own level. Even otherwise there is no

clause in the advertisement or in the guidelines that the application can be rejected on the ground that the presence of the teacher at a particular school is necessary.

7. Every employee is entitled to pursue his career by acquiring higher qualification which may benefit and assist him at the time of future promotion. Whether or not such qualification would come to assist him is a different matter, but once the petitioner is found entitled for admission on the strength of his merit as per the guidelines for admission, he cannot be denied such admission for no fault of him and for a reason which has not been stated in the guidelines.
8. On the previous date of hearing, this Court had directed the learned State counsel to seek instruction as to whether any seat in M.Ed. Course is still available, learned State counsel would submit, on instructions, that one seat in M.Ed. Course is available, therefore, the writ petition deserves to be and is hereby allowed.
9. Let the petitioner be given admission in the M.Ed. Course within a period of one week from the date of submission of certified copy of this order.
10. No order as to cost(s).

Sd/-

Judge
Prashant Kumar Mishra

Gowri