

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 280 of 2017**

1. Bharthari Singh S/o Shri Begai Singh, Aged About 26 Years R/o Village Khongapali, Quarter No. 281, Ekta Nagar, Police Station Ledri, Thasil Manendragarh, District Korea, Chhattisgarh.
2. Mukteshwari Sahu D/o Saroj Kumar Sahu, Aged About 23 Years R/o Sanjay Nagar, Teachers, Colony, Kurud, Police Station Kurud, District Dhamtari, Chhattisgarh.
3. Aarti Verma D/o Thanwar Singh Verma, Aged About 23 Years R/o Ekta Nagar, Bhilai 3, Behind C S E B Colony, Police Station Bhilai 3, District Durg, Chhattisgarh.

---- Appellants**Versus**

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex New Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh, Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
3. All India Council of Technical Education Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi 110067
4. Chhattisgarh Swami Vivekanand Technical University Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University Bhilai District Durg, Chhattisgarh.
5. Vikas Kumar Gavel S/o Vijay Prasad Gavel, Aged About 24 Years R/o Quarter No. 28, Civil Lines, Dharamjaigarh, Police Station And Post Dharamjaigarh, District Raigarh, Chhattisgarh.
6. Digvijay Singh Gabel S/o Gajanand Kumar Gabel, Aged About 26 Years R/o House No. 145 Ward No. 8 Bazar Chowk, Village And Post Mukta, Police Station Malkharoda, District Janjgir Champa, Chhattisgarh.
7. Nisha Deshmukh, D/o Pritam Kumar Deshmukh, Aged About 24 Years R/o Street No. 29, Block No. 131, Sector 7, Bhilai, Police Station Sector 6, Bhilai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh
8. Padmini Hardel D/o Balmiki Hardel, Aged About 24 Years C/o Shashikant Hardel, Shree Medical Stores, Raipur, Road, Bathena Chowk, Dhamtari, Police Station Dhamtari, District Dhamtari, Chhattisgarh.
9. Roshni Sahu D/o Yashwant Sahu Aged About 24 Years R/o Village And Post Lal Abrader Nagar, Police Station Chichola, Thasil Dongargarh, District Rajnandgaon, Chhattisgarh.
10. Sourabh Dewangan S/o Laxmi Dewangan, Aged About 23 Years R/o Sourabh Sadan, Jawahar Ward, Mungeli, Police Station Mungeli, District Mungeli, Chhattisgarh.
11. Nishant Kumar Dewangan S/o Dilip Kumar Dewangan, Aged About 24 Years R/o 132 K V C S P T C L Sub Section C S E B Colony, Bijli Nagar, Bhilai 3, Police Station Bhilai 3, District Durg, Chhattisgarh.

12. Shyama D/o Shiv Prasad Aged About 23 Years R/o Salheona, Tahsil Baramkela, Police Station Saria, District Raigarh, Chhattisgarh.
13. Gitesh Kumar S/o Hemant Kumar Aged About 24 Years R/o Village Nahanda, Post Nahanda, Police Station Deori, Thasil Dondi Lohara, District Balod, Chhattisgarh.
14. Ghanshyam Vishwakarma, S/o Vishnu Vishwakarma, Aged About 28 Years R/o Old Sarkanda, Mata Choura, Bilaspur, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondents

WA No. 281 of 2017

Gitesh Kumar S/o Shri Hemant Kumar, Aged About 24 Years R/o Village And Post Nahanda, Thasil Dondilohara, Police Station Devri Bangla, District Balod, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh.
3. All India Council Of Technical Education, Through Its Secretary, Chandralok Building, Janpad, Delhi.
4. Lokesh Kumar Dewangan S/o Shri Agnuram Dewangan Aged About 26 Years R/o Village Kaudikasa, Thasil Chowki, Police Station Chowki, District Rajnandgaon, Chhattisgarh.
5. Rewati Raman Yadav, Roll No. 150303115450, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh.
6. Sanjay Kumar Dewangan Roll No. 150303115271, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh.
7. Sharad Chandra Rajpoot, Roll No. 150303114982, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh.

---- Respondents

WA No. 285 of 2017

1. Durgesh Kumar Lihare S/o Rikhi Ram Lihare, Aged About 24 Years R/o Station Para, Ward No. 13, Rajnandgaon, Police Station And Post Rajnandgaon, District Rajnandgaon, Chhattisgarh.
2. Pooja Chandrakar, D/o Ram Kumar Chandrakar, Aged About 23 Years R/o Village Bhansuli, Post Jamnagar, Tehsil Patan, P.S. Durg, District Durg, Chhattisgarh
3. Pooja Thawait, D/o Bilas Kumar Thawait, Aged About 23 Years R/o B. K. Medical Store, Near Chandan Talab, Pussure, Post Pussure, P.S. Raigarh, District Raigarh, Chhattisgarh
4. Virendra Kumar Nageshiya, S/o Man Prasad Nageshiya, Aged About 22 Years R/o L I G- 202, H. B. Colony, P.S. And Post Dhamtari, District Dhamtari, Chhattisgarh

---- Appellants

Versus

1. State of Chhattisgarh Through Secretary, Department Of Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex New Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh
3. All India Council For Technical Education, Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi- 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg, Chhattisgarh
5. Rakesh Nirmalkar, S/o B.V. Nirmalkar, Aged About 24 Years R/o Near Ravi Das Square, Chandnia Para, Pollice Staion And Post Janjugir, District Janjgir-Champa, Chhattisgarh.
6. Girja Shankar Verma, S/o Bansi Lal Verma, Aged About 24 Years R/o Village-Sella Via Katgi, Police Station And Dist Balodabazar, District -Balodabazar Chhattisgarh.
7. Mridul Kumar Jha, S/o Mukul Kumar Jha, Aged About 29 Years R/o Zone- 1, Street No. 2 A, New Adarsh Nagar, Borsi Road, Durg, Police Station And Post Durg, District Durg, Chhattisgarh.
8. Anish Vishal S/o Madhusudan Vishal Aged About 24 Years R/o U- 5, Sector- 1, Ext. Avanti Vihar, Telibandha, Police Station, District Raipur, Chhattisgarh.

---- Respondents

WA No. 286 of 2017

1. Geetesh Kumar S/o Shri Hemant Kumar, Aged About 24 Years R/o Village And Post Nahanda, Thasil Dondilohara, Police Station Devri Bangla, District Balod, Chhattisgarh.
2. Sourabh Singh, S/o Shri Brishket Singh, Aged About 24 Years R/o Village Bhaismundi, Tahsil And P.S. Navagarh, Distirct Janjgir Champa Chhattisgarh.
3. Manish Kumar Sahu, S/o Shri Radhshyam Sahu, Aged About 25 Years R/o C/o Bhilal Sahu, Near Maharashtra Mandal, Choubey Colon Y, P.S. Saraswati Nagar, District Raipur Chhattisgarh

---- Appellants

Versus

1. State of Chhattisgarh Through Secretary, Department of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Road, Raipur, Chhattisgarh
3. All India Council For Technical Education, Through Its Secretary, Chandralok Building Janapd, Delhi
4. Dheeraj Kumar Sahu, S/o Shri Akshay Sahu, Aged About 25 Years R/o Near Azad Chowk, Village And Post Mandhar, Thana Dharsiwa, Distirct Raipur Chhattisgarh

---- Respondents

WA No. 290 of 2017

Satyendra Yadav S/o Dwarika Prasad Yadav, Aged About 29 Years R/o Ameri, Police Station Chakarbhata, Post Sakri, Civil And Revenue, District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh.
3. All India Council For Technical Education, Through Its Charirman, Nelson Mandela Marg, Vasant Kunj, New Delhi - 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, North Park Avenue, Sector 8, Bhilai, District Durg Chhattisgarh.

---- Respondents

WA No. 291 of 2017

Shesh Narayan Sahu S/o Lakhanlal Sahu, Aged About 28 Years R/o Village Sirsida, Post Khamariya, Police Station Sihawa, Tahsil Nagri, Civil And Revenue District Dhamtari, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Bhagat Singh Square, Raipur, District-Raipur, Chhattisgarh.
3. All India Council For Technical Education, Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi-110067
4. Chhattisgarh Swami Vivekanand Technical University Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, North Park Avenue, Sector 8, Bhilai, District-Durg, Chhattisgarh.

---- Respondents

WA No. 295 of 2017

1. Shyama D/o Shiv Prasad, Aged About 23 Years R/o Salheona, Tahsil Baramkela, Police Station Saria, District Raigarh, Chhattisgarh.
2. Sourabh Dewangan, S/o Laxmi Dewangan, Aged About 23 Years R/o Sourabh Sadan, Jawahar Ward, Mungeli, Police Station Mungeli, District Mungeli Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mahanadi Bhawan, Mantrayala, Capital Complex New Raipur, District Raipur Chhattisgarh

2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh
3. All India Council For Technical Education, Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg, Chhattisgarh
5. Vikas Kumar Gavel S/o Vijay Prasad Gavel, Aged About 24 Years R/o Quarter No. 28, Civil Lines, Dharamjaigarh, Police Station And Post Dharamjaigarh, District Raigarh Chhattisgarh
6. Digvijay Kumar Gabel S/o Gajanand Kumar Gabel, Aged About 26 Years R/o. House No. 145, Ward No. 8, Bazar Chowk, Village And Post Mukta, Police Station Malkharoda, District : Janjgir-Champa, Chhattisgarh
7. Nisha Deshmukh D/o. Pritam Kumar Deshmukh, Aged About 24 Years R/o. Street No. 29, Block No. 131 B, Sector 7, Bhilai, Police Station Sector 6 Bhilai, District : Durg, Chhattisgarh
8. Padmini Hardel, D/o. Balmiki Hardel, Aged About 24 Years C/o. Shashikant Hardel, Shree Medical Stores, Raipur Road, Bathena Chowk, Dhamtari, Police Station Dhamtari, District Dhamtari Chhattisgarh, District : Dhamtari, Chhattisgarh
9. Roshni Sahu, D/o. Yashwant Sahu, Aged About 24 Years R/o. Village And Post Lal Bahadur Nagar, Police Station Chichola, Tahsil Dongargarh, District : Rajnandgaon, Chhattisgarh
10. Bharthari Singh, S/o. Begai Singh, Aged About 26 Years R/o. Village Khongapani, Quarter No. 281, Ekta Nagar, Police Station Ledri, Tahsil Manendragarh, District Korea Chhattisgarh
11. Nishant Kumar Dewangan, S/o. Dilip Kumar Dewangan, Aged About 24 Years R/o. 132 K V, C S P T C L Sub Station, C S E B Colony, Bijli Nagar, Bhilai 3, Police Station Bhilai 3, District : Durg, Chhattisgarh
12. Mukteshwari Sahu, D/o. Saroj Kumar Sahu, Aged About 23 Years R/o. Sanjay Nagar, Teachers Colony, Kurud, Police Station Kurud, District : Dhamtari, Chhattisgarh
13. Aarti Verma, D/o. Thanwar Singh Verma, Aged About 23 Years R/o. Ekta Nagar, Bhilai 3, Behind C S E B Colony, Police Station Bhilai 3, District : Durg, Chhattisgarh
14. Gitesh Kumar, S/o. Hemant Kumar, Aged About 24 Years R/o. Village Nahanda, Post Nahanda, Police Station Deori, Tahsil Dondi Lohara, District : Balod, Chhattisgarh
15. Ghanshyam Vishwakarma, S/o. Vishnu Vishwakarma, Aged About 28 Years R/o. Old Sarkanda, Mata Choura, Bilaspur, Police Station Sarkanda, District : Bilaspur, Chhattisgarh
16. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 299 of 2017

Ghanshyam Vishwakarma S/o Shri Vishnu Vishwakarma, Aged About 29 Years
R/o Purana Sarkanda, P.S. Sarkanda, District Bilaspur, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh
3. All India Council For Technical Education, Through Its Secretary, Chandralok Building Janapad, Delhi
4. Poorva Sharma, Assistant Professor Electrical And Electronics, Government Engineering College, Raipur, District : Raipur, Chhattisgarh
5. Devshri Pansari, Assistant Professor Electrical And Electronics, Government Engineering College, Raipur, District : Raipur, Chhattisgarh

---- Respondents

WA No. 302 of 2017

Ghanshyam Vishwakarma S/o Shri Vishnu Vishwakarma, Aged About 29 Years
R/o Purana Sarkanda, P. S. Sarkanda, District Bilaspur Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex New Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh
3. All India Council For Technical Education, Through Its Chairman, Nelson Mandela Marg, Vasant Kunj, New Delhi 110067
4. Chhattisgarh Swami Vivekanand Technical University, Bhilai, Through Its Registrar, Chhattisgarh Swami Vivekanand Technical University, Bhilai, District Durg Chhattisgarh
5. Vikas Kumar Gavel, S/o Vijay Prasad Gavel, Aged About 24 Years R/o Quarter No. 28, Civil Lines, Dharamjaigarh, Police Station And Post Dharamjaigarh, District Raigarh Chhattisgarh
6. Digvijay Kumar Gabel S/o. Gajanand Kumar Gabel, Aged About 26 Years R/o. House No. 145, Ward No. 8, Bazar Chowk, Village And Post Mukta, Police Station Malkharoda, District : Janjgir-Champa, Chhattisgarh
7. Nisha Deshmukh D/o. Pritam Kumar Deshmukh, Aged About 24 Years R/o. Street No. 29, Block No. 131 B, Sector 7, Bhilai, Police Station Sector 6 Bhilai, District : Durg, Chhattisgarh
8. Padmini Hardel, D/o. Balmiki Hardel, Aged About 24 Years C/o. Shashikant Hardel, Shree Medical Stores, Raipur Road, Bathena Chowk, Dhamtari, Police Station Dhamtari, District Dhamtari Chhattisgarh
9. Roshni Sahu, D/o. Yashwant Sahu, Aged About 24 Years R/o. Village And Post Lal Bahadur Nagar, Police Station Chichola, Tahsil Dongargarh, District Rajnandgaon Chhattisgarh

10. Bharthari Singh, S/o. Begai Singh, Aged About 26 Years R/o. Village Khongapani, Quarter No. 281, Ekta Nagar, Police Station Ledri, Tahsil Manendragarh, District Korea Chhattisgarh
11. Nishant Kumar Dewangan, S/o. Dilip Kumar Dewangan, Aged About 24 Years R/o. 132 K V, C S P T C L Sub Station, C S E B Colony, Bijli Nagar, Bhilai 3, Police Station Bhilai 3, District : Durg, Chhattisgarh
12. Mukteshwari Sahu, D/o. Saroj Kumar Sahu, Aged About 23 Years R/o. Sanjay Nagar, Teachers Colony, Kurud, Police Station Kurud, District : Dhamtari, Chhattisgarh
13. Aarti Verma, D/o. Thanwar Singh Verma, Aged About 23 Years R/o. Ekta Nagar, Bhilai 3, Behind C S E B Colony, Police Station Bhilai 3, District : Durg, Chhattisgarh
14. Gitesh Kumar, S/o. Hemant Kumar, Aged About 24 Years R/o. Village Nahanda, Post Nahanda, Police Station Deori, Tahsil Dondi Lohara, District : Balod, Chhattisgarh
15. Shyama, D/o. Shiv Prasad, Aged About 23 Years R/o. Salheona, Tahsil Baramkela, Police Station Saria, District : Raigarh, Chhattisgarh
16. Sourabh Dewangan, S/o Laxmi Prasad Dewangan, Aged About 23 Years R/o. Sourabh Sadan, Jawahar Ward, Mungeli, Police Station Mungeli, District : Mungeli, Chhattisgarh

---- Respondents

WA No. 303 of 2017

Ghanshyam Vishwakarma S/o Shri Vishnu Vishwakarma, Aged About 29 Years R/o Purana Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh., Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commision, Through Its Secretary, Shankar Nagar Road, District : Raipur, Chhattisgarh
3. All India Council Of Technical Education Through Its Secretary, Chandralok Building, Janpad, Delhi.
4. Rewati Raman Yadav, Roll No. 150303115450, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chattisgarh.
5. Sanjay Kumar Dewangan, Roll No. 150303115271, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgrh.
6. Sharad Chandra Rajpoot, Roll No. 150303114982, C/o Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh.

---- Respondents

WA No. 310 of 2017

1. Saurabh Singh S/o Shri Brishket Singh, Aged About 23 Years R/o Village Bhainsmudi, Post Office Siund, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh

2. Manish Kumar Sahu S/o Shri Radheshyam Sahu, Aged About 25 Years R/o C/o Bhaiya Lal Sahu, Near Maharashtra Mandal Ramkund Choubey Colony, Raipur, District : Raipur, Chhattisgarh
3. Piyush Kumar S/o Shri Rajendra Prasad, Aged About 24 Years R/o House No. 197, Ward No.8, Bramhanpara, Pandatarai, District : Kawardha (Kabirdham), Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, Chhattisgarh
3. All India Council For Technical Education, Through Its Secretary, Chandralok Building Janapad, Delhi

---- Respondents

WA No. 317 of 2017

1. Juhi Verma D/o Shri Nepal Verma, Aged About 24 Years R/o Pursuram Nagar Telibandha, Raipur, District Raipur, Chhattisgarh.
2. Bhanu Pratap Bharti, S/o Shri J.R. Bharti, Aged About 26 Years R/o House No. 159, Sector- 4, Balco Nagar Kiorba, District : Korba, Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Mantralaya, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, Chhattisgarh
3. All India Council Of Technical Education, Through Its Secretary, Chandralok Building, Janpad, Delhi.

---- Respondents

WA No. 360 of 2017

1. Nitish Kumar Rai S/o Shri Chandra Deo Rai, Aged About 27 Years R/o Ring Road, Police Station Balco, District Korba Chhattisgarh.
2. Akhil Kumar Rathore, S/o Shri Dharmendra Kumar Rathore, Aged About 23 Years R/o Near Lakshmi Narayan Mandir, Village Halahuli, City Kharsia, District : Raigarh, Chhattisgarh

---- Appellants

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Technical Education, Mahanadi Bhawan, Mantralaya, Capital Complex, New Raipur, District Raipur Chhattisgarh.

2. Chhattisgarh Public Service Commission, Through Its Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Bhagat Singh Square, Raipur, District : Raipur, Chhattisgarh
3. All India Council For Technical Education, Through Its Secretary, All India Council For Technical Education, Chandralok Building, Janpad, Delhi.

---- Respondents

For Appellants	: Shri Vinay Pandey, Shri Sunil Otwani and Shri Manoj Paranjpe, Advocates.
For Respondent/State	: Shri Yashwant Singh Thakur, Additional Advocate General.
For Respondent/PSC	: Shri Ashish Shrivastava, Shri Sudeep Agrawal, Shri Sandeep Dubey and Shri Anumeh Shrivastava, Advocates.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Sanjay Agrawal, Judge

Judgment on Board

30/08/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard Counsel for the parties.
2. The bunch of appeals arise out of a common order passed by the learned Single Judge on 07.07.2017. Since common questions of law arose from identical facts, they all got clubbed and heard together.
3. Prayer made before the writ Court on behalf of the Appellants was to consider their cases for appointment on the post of Assistant Professors and Lecturers in different disciplines in Government Engineering Colleges and Government Polytechnic Colleges, respectively.
4. An advertisement No.3/15 dated 09.07.2015 was published on 15.07.2015 by the Chhattisgarh Public Service Commission. The advertisement laid down the basic qualification in relation to the posts of Assistant Professors and Lecturers of the respective disciplines. Based on the response, the exercise for recruitment was

carried out and we are now told that all the appointments have been made, though some vacancies still remain.

5. The Appellants who were Petitioners before the writ Court argued that the various educational qualification which they possess are equivalent to what was advertised in the advertisement and therefore, they had due eligibility for consideration for appointment. However, taking a hyper-technical, if not an erroneous view that they did not strictly fulfill the requirement of the educational kind, which was made known in the advertisement, they were debarred from participation at the stage of interview. This became the reason for the litigation.

6. The issue for consideration before the learned Single Judge therefore was whether these Appellants could be said to possess the rightful qualification in the disciplines for which they were aspirant in terms of the advertisement or whether equivalence could be used for the purposes of giving them the benefit of doubt of having fulfilled the eligibility of minimum educational qualification.

7. In the impugned order, the learned Single Judge has prepared a chart of all the candidates, who were Petitioners before the Court, the posts on which they had applied, the educational qualification in terms of the advertisement which was needed and then, the qualifications which the Appellants had. It goes without saying that the variation in the requirement as per the advertisement and the degrees or diplomas which most of these Appellants had, by itself indicates the difference. However, during the pendency of the adjudication of the writ applications, a development took place. A notification dated 02.02.2017 came to be published in the Official Gazette where an amendment was brought about in the two Service Rules relating to the Engineering Colleges as well as the Polytechnic Colleges of the State of Chhattisgarh. This notification or the amendments now incorporates or includes the various degrees or diplomas possessed by the Appellants.

8. Therefore, it was urged before the writ Court that the State Government realized its folly and that was the reason why they brought about the amendment and incorporated the degrees which most of these Appellants have. It is their stand that even if for the sake of argument, these Appellants were held to be ineligible at the threshold, there was no ambiguity left now since the State Government itself gave recognition to the degrees of the Appellants by way of an amendment, brought about in exercise of power under Article 309 of the Constitution of India.

9. The stand of the Respondents before the learned Single Judge, which is also the stand before us, is that the recruitment exercise has to be carried out and completed strictly in conformity with the advertisement. All eligibilities and requirements must be in place before the cut-off date and any subsequent development altering that situation cannot accrue to the advantage of otherwise ineligible candidates. Ineligible here means not having the requisite qualification in the respective stream.

10. The learned Single Judge besides taking note of the fact that similar writ applications had earlier stood dismissed but also took note of the plethora of decisions of the Hon'ble Supreme Court to hold that the notification dated 02.02.2017 cannot come to the rescue of the Appellants, because it has no retrospectivity. It may help the Appellants in future recruitment, but keeping in mind the well settled principles of law that the rule of the game cannot be allowed to be changed midway through the process of the game till the recruitment is over. The advantage which the Appellants are looking for, before the writ Court being embolden by notification dated 02.02.2017 would be unavailable to them, especially, when the notification does not indicate that it will relate back to when the rules in questions were notified or the advertisement was issued by the Chhattisgarh Public Service Commission.

11. The learned Single Judge further went into the argument as to what the expression “relevant subject” for appointment on a post for reference to the qualification means. He took support from a decision rendered by the Hon'ble Supreme Court in case of ***Ganapath Singh Gangaram Singh Rajput v. Gulbargha University Represented by its Registrar and Others*** reported in **(2014) 3 SCC 767**. Paragraphs-21 & 22 of the decision of the Hon'ble Apex Court was reproduced to show that when applications are invited for filling up various posts in different subjects in terms of the advertisement, the word “relevant subject” in the context of appointment to the post would mean the “relevant subject” and not “appropriate subject”.

12. The learned Single Judge therefore took a view that the Petitioners who are Appellants before us cannot be allowed the benefit of appointment and consideration, if they do not have the requisite educational qualification in terms of the advertisement and that the amendment to the Rule dated 02.02.2017 cannot be allowed to relate back to the advertisement of 2015.

13. The counsel representing the Appellants more or less take a similar stand which was taken before the learned Single Judge that if the State Government had given due recognition to the subjects and the degrees which most of these Appellants had by notifying and incorporating the same by way of an amendment, the advantage of such a decision should have been allowed to be taken and there should have been a direction for consideration of their candidature as well.

14. There are two things which is coming in the way of such a direction. One, that many a candidate who may otherwise would have been aspirants may not have applied looking at the qualification which was needed for the posts in question. Any recruitment process which is set in motion has to be completed in terms of the requirement laid down in the advertisement and any leeway, if given midway, would amount to violation of Article 14 and 16 of the Constitution of India.

That is the reason why even the Hon'ble Supreme Court has from time to time reiterated the principle that the rule of the game cannot be changed midway through the game.

15. The exercise for recruitment in terms of the advertisement has already been completed and appointments made. No doubt, there were certain vacancies which subsists after the appointment, but those vacancies will have to be carried over for the next round of recruitment exercise or advertisement which may be issued or will be issued by the State authorities. Insofar as the notification dated 02.02.2017 is concerned, all advertisements which will be issued after 02.02.2017 for such recruitment will have the amended provisions incorporated in the advertisement and advantage will surely be drawn by all such eligible candidates, whose degree have now been recognized through the amendment. But the same cannot be allowed to relate back or there cannot be any direction for consideration of the candidature of such candidates i.e. the Appellants on the basis of the said amendment.

16. The Court has been informed by counsel for the Respondents that similar matter was considered by the Division Bench which was WP(S) No.2992 of 2015 disposed off on 14.09.2015.

17. It may be so, but the said decision may not have strictly come in the way of grant of any relief to the Appellants provided the other legal submissions were sustainable in law.

18. The view taken by the learned Single Judge in the given facts as well as the ambit of the principles of law, which has been pressed in the service by him cannot be said to be erroneous in any manner and therefore, all the appeals are dismissed being devoid of merit.

19. Before parting, however, the Court can observe that it will be in the interest of the State that the vacancies which are pending in the Engineering Colleges and

Polytechnic Colleges in the State of Chhattisgarh would be required to be filled up keeping the interest of the students in mind, because the teacher-student ratio needs to be maintained and it is the duty of the State to ensure that no subject goes unattended in absence of qualified teachers in those institutions.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Sanjay Agrawal)
JUDGE

Anu