

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2155 of 2019**

Saawan Jaiswal S/o Shri Shiv Kumar Jaiswal Aged About 38 Years R/o
Behind Police Line, Bouripara, Ambikapur, Police Station Ambikapur,
District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission Through The Secretary, Chhattisgarh Public Service Commission Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. The Secretary, Chhattisgarh Public Service Commission Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R. R. Soni, Advocate
For State/res. No. 1	:	Ms. Astha Shukla, PL
For Res. No. 2 & 3	:	Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/03/2019**

1. The challenge in the present writ petition is to the advertisement Annexure (P-1) 23/01/2019 which is an advertisement for filling up of the post of Assistant Professor in the Higher Education Department.
2. The challenge made to the advertisement is on the ground that the candidates like the petitioner who are appearing for their post graduate final year examination are being deprived in participating in the selection process for the post of Assistant Professor.

3. According to the petitioner, he is pursuing his post graduate course and the final year examination is likely to be conducted in the next month of April, 2019. According to the petitioner, if he is permitted to apply for the post of Assistant Professor and meanwhile the result is declared and he succeeds, he could be considered for selection or else he would have to wait till a fresh recruitment process is initiated by the respondents, for which there is total uncertainty as to when the next recruitment process would be conducted.
4. Perusal of the record would show that as of now, the examination of the final year post graduate course itself has not been conducted and it is likely to be conducted much after even the last date of filling up the application for the said post and thereafter the result would have to be declared. Thus, at this stage, the petitioner does not have the requisite qualification for the said post and it is also not a case that he has appeared in the examination and only the results are awaited.
5. The present writ petition has been filed with a hope and for a relief which could be encashed in anticipation of clearing the post graduate course.
6. So far as the fixing of minimum qualification and the cut off date are concerned, the law is well settled, the Supreme Court and this High Court have been repeatedly of the firm view that it is exclusively within the domain of the State Govt. to decide both the minimum qualification required as also the cut off date for fixing the age for participation in the recruitment and the cut off date regarding the qualification.

7. In view of the aforesaid legal position as it stands, this Court, in exercise of its power of judicial review under Article 226 of the Constitution of India, finds it difficult to accept the contentions put forth by the petitioner for grant of the relief that he has sought for.
8. The writ petition therefore fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

Rohit