

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2175 of 2019**

1. Laxminarayan S/o Shri Teku Ram Aged About 30 Years R/o Village Telinsatti, Post Office Demar, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh
2. Rameshwari Kashyap D/o Shri M.R. Kashyap Aged About 25 Years R/o Village Butaras, Post Office Pakela, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh
3. Komna Tigga D/o Shri Flaence Tigga, Aged About 25 Years R/o Village Khutapani, Post Office Chagha, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh
4. Sandip Kumar S/o Ramkumar Aged About 35 Years R/o Village Agesara, Post Office Arkar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioners**Versus**

1. State Of Chhattisgarh Through The Secretary Department Of Higher Education Mantralaya, Mahanadi Bhawan Atal Nagar, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. R. K. Kesharwani, Advocate
For State	:	Mr. Jitendra Pali, Dy. AG
For PSC	:	Mr. Sudeep Agrawal, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03/04/2019**

1. The present writ petition primarily was filed challenging the fixing minimum 50% of marks at the graduation level for filling up of the

applications for payment to the post of Assistant Professors in the advertisement published on 23/01/2019.

2. The contention of the petitioner is that in the rules of 2005 and 2007 the requirement of minimum 50% of marks at the graduation level is not there and the guidelines/notification issued by the University Grants Commission also do not prescribe fixing of 50% of marks at the graduation level for applying to the said post and thus according to the petitioner the advertisement was contrary to the rules and was liable to be set aside/quashed.
3. Counsel appearing for the State as well as for the PSC today submitted that the State Government has enacted fresh rules in 2019 and the recruitment process initiated vide the impugned advertisement published is to be conducted in the light of the new rules of 2019.
4. Counsel appearing for the respondent drew the attention of this Court to Schedule 3 of the Rules of 2019 wherein the term good academic record has been defined as a person with at least 50% marks at the graduation level.
5. In view of the aforesaid submissions made by the counsel for the respondents, this Court is of the opinion that the challenge to the advertisement to the said clause does not have much force and the petition thus become devoid of merits.
6. At this juncture, the counsel for the petitioners submits that the petitioners herein belong to the reserved category and as per the rules they are entitled for relaxation of 5% on the marks prescribed

at the graduation level. Thus, and if the petitioners are granted this relaxation of marks to the extent of 5%, the petitioners herein would be eligible for participating.

7. If the petitioners, falls within the reserved category they are entitled to avail the benefit of 5% of relaxation on the 50% marks fixed to apply and in case if the petitioners do apply and fulfill other eligibility requirements there applications should be duly processed and considered by the respondent authority. In case if the petitioners find it difficult in submitting their online applications, the petitioner's are directed to immediately contact the Secretary of the respondent No. 2 State Public Service Commission or his nominee for redressal of their grievance immediately.
8. Needless to mention, any application moved by the petitioners would be subject to verification of their eligibility criteria.
9. With the aforesaid observations, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge