

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2682 OF 2019**

1. Durgesh Singh S/o Shri Ganesh Singh Aged About 37 Years R/o House 52, Ward No.5, Mahima Nagar, Bilaspur Chhattisgarh.
2. Umendra Singh S/o Shri Ramjee Aged About 39 Years R/o Ward No.5, Mahima Nagar, Bilaspur Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Forest, Mahanadi Bhawan, New Mantralaya, Atal Nagar, District - Raipur Chhattisgarh.
2. The Additional Principal Chief Conservator Of Forest (Administration) Indrawati Bhawan, Atal Nagar, District - Raipur Chhattisgarh.
3. The Conservator Of Forest Circle Raipur, District - Raipur Chhattisgarh.
4. The Divisional Forest Officer Division Baloda Bazar, District - Baloda Bazar-Bhatapara Chhattisgarh.

... Respondent(s)

For Petitioners	:	Shri Avinash K Mishra, Advocate.
For Respondent-State	:	Shri Saleem Kazi, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10.04.2019**

1. The grievance of the petitioners in the present writ petition is rejection of their candidature by the respondents on account of petitioners having not obtained qualification from the recognized institution/Board.
2. The facts of the case is that the petitioners participated in the selection process for the post of Forest Guard/Game Guard in the advertisement which was published on 10.08.2018. The minimum qualification sought for was passing of 10+2 higher secondary examination from the approved/recognized Board of Education. Both the petitioners have cleared their 10+2 examination. The petitioner No.1 cleared the Senior Secondary School Examination under the Board of School and Technical Education Chhattisgarh on 28.12.2012 and the petitioner

No.2 cleared the same examination from the same Board w.e.f. 31.07.2014.

3. According to the petitioners, at the relevant point of time the said Board was duly recognized and approved Board and was declared equivalent to the Board of Secondary School of the State by the Education Department as also by the Board of Secondary Education.
4. The counsel for the petitioners referred to Annexure P/5 dated 09.12.2016 which was issued by the Secretary, Chhattisgarh Board of Secondary Education whereby they have categorically held that the students who have passed examination from the Technical Board of Education prior to 07.03.2015 shall be considered as having obtained education from the recognized Board. Similarly, the petitioners again referred to document dated 07.03.2015 (Annexure P/6) which was issued by the same Board wherein again it has been mentioned that the recognition of the Board stood cancelled w.e.f. 07.03.2015 and the benefit of the same would not be given to the students who have undertaken education subsequent to 07.03.2015. However, the students who have undertaken education prior to the issuance of the order dated 07.03.2015 would have due recognition for further studies treating it as equivalent qualification issued by the Board of Secondary Education.
5. Given the aforesaid factual matrix of the case as it stands, it appears that the respondent authorities have not taken this fact into consideration and the aforesaid orders of the Board of Secondary Education while rejecting the candidature of the petitioners.

6. In view of the same, this court is of the opinion that let the case of the petitioners be scrutinized by the respondents No.2&3 in the light of the order passed by the Chhattisgarh Board of Secondary Education dated 07.03.2015 and 09.12.2016 (Annexure P/6 & P/5 respectively) and an appropriate decision be taken by passing a speaking order, whether the petitioners would be still treated as qualified or not having requisite eligibility criteria, preferably within a period of 60 days from the date of receipt of copy of this order.
7. If ultimately, if the respondents No.2&3 found the petitioners to be eligible then, appropriate steps be taken for considering them against the post for which they had participated in the recruitment process in accordance to their respective merit.
8. Needless to mention that the respondents No.2&3 should ensure that in case if the appointment orders of the selected candidates have not been issued, the same be issued only after the respondents No.2&3 take a decision so far as petitioners case are concerned.
9. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge