

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3940 of 2019**

Yogendra Kumar Dwivedi S/o Shri Manharan Lal Dwivedi, Aged About 30 Years, R/o Village Daija, Post Dhandhan, Tehsil Takhatpur, District – Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur Chhattisgarh
2. Director, Directorate Of Public Instruction, Indrawati Bhawan Atal Nagar, Raipur Chhattisgarh
3. Chhattisgarh Professional Examination Board, Through Its Secretary, Shailendra Nagar, Raipur, Chhattisgarh

---Respondents

For petitioner	:	Shri Mateen Siddiqui with Shri Ghanshyam Kashyap, Advocates.
For State	:	Shri Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****16/05/2019**

1. The challenge in the present writ petition is to the advertisement dated 09.03.2019 Annexure P-1.
2. The contention of the petitioner is that the State Govt. had issued an advertisement i.e. Annexure P-1 on 09.03.2019 for filling up of various posts in Education and Tribal Department. The post to which the petitioner is aspiring is Assistant Teacher (Science Group) both in the Education Department as well as the Tribal Department.
3. The Grievance of the petitioner is that the on line application which the petitioner intends to fill is not being accepted. The non-

acceptance is on the ground that the educational qualification of the petitioner is not matching the requirement under the advertisement.

4. According to the counsel for the petitioner, the post applied is that of Assistant Teacher, Science Group. The petitioner has done Higher Secondary School Certificate (Vocational Course) Examination from the Chhattisgarh Board of Secondary Education. Counsel for the petitioner referring to the said certificate issued by the Board drew the attention of the Court that the subjects taught in the said course are related to science and therefore the certificate of the Higher Secondary that the petitioner has, has to be accepted as the requisite qualification as per the advertisement or at least as equivalent to the qualification required for the said post. According to the petitioner, all the subjects which the petitioner has undertaken are those which fall under science subject and therefore, his certificate has to be accepted as proper and his candidature could not have been refused or rejected. Thus, prayed for an appropriate direction in this regard.
5. State counsel, on the contrary, opposing the petition submits that it is a case where the petitioner does not have the requisite qualification under the advertisement nor does he have requisite qualification under the rules governing the field. Moreover, there is till date no such order passed by any authority by which the petitioner could submit that the qualification which the petitioner has or the certificate which the petitioner has so far as his Higher Secondary is concerned is one which could be treated as any other Higher Secondary passed certificate or is equivalent to the Higher Secondary Certificate Examination conducted for science group.

6. Having heard the contention put forth on either side and on perusal of the record, admittedly what has to be seen is that the petitioner is a candidate who has not done his regular Higher Secondary Examination. The examination which the petitioner has passed is Higher Secondary School Certificate (Vocational Course) Examination. The petitioner has not been able to produce any document with which it could be said that the said certificate is equivalent to the Higher Secondary Certificate issued by the Board neither has the petitioner been able to produce any document by which it could be said that the subject under which the petitioner has done his vocational course can be treated as equivalent to the Higher Secondary Certificate in science group. There is no document to establish equivalence between the qualification which the petitioner has with the qualification which is prescribed under the advertisement for the said post. In the absence of any cogent substantial material to establish the qualification it cannot be accepted as a proper legal and justified qualification.
7. The writ petition deserves to be and is accordingly dismissed.
8. Needless to mention that in case the petitioner still wants to approach the Department on the administrative side for ventilating his grievance, he would have liberty for the same.

Sd/-
(P. Sam Koshy)
JUDGE