**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Writ Petition (S) No. 7918 of 2019**

Anchal Sahane D/o - Chandan Singh Sahane Aged About 25 Years R/o - E-14, Teachers Colony, Ramkrishna Mission Aashram, Narayanpur, District Narayanpur Chhattisgarh.

**---- Petitioner(s)**

**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, District Raipur Chhattisgarh
2. The Director, Directorate of Public Instruction Raipur Naya Raipur Chhattisgarh.
3. Chhattisgarh Public Services Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh.
4. Controller of Examination, Chhattisgarh Public Service Commission, Shankar Nagar Road, Raipur Chhattisgarh.

**---Respondents**

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| For Petitioner | : | Shri Jeet Patel, Advocate. |
| For State | : | Shri P. Acharya, Panel Lawyer. |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**30.09.2019**

1. Challenge in the present writ petition is to the inaction on the part of the respondents in not giving due weightage to the petitioner for her qualification of B.Ed that she acquires referring to the advertisement pertaining to the recruitment to the post of Teacher in Agriculture subject.

2. The petitioner submits that, as per the advertisement there is no requirement for B.Ed course for the candidates of Agriculture science and Physical Education. According to the petitioner, since the petitioner has already obtained B.Ed course and therefore she has the experience and technically know how of teaching by virtue of B.Ed course and therefore she should have been granted some preferential right for the post of Teacher.

**3.** Perusal of record would show that in none of the course have the respondents granted any preferential treatment to the persons with B.Ed course. The only difference is that for all other subjects like English, Biology and Mathematics the candidates who intend to apply should also have B.Ed course in addition to their basic qualification whereas, for the subject in Agriculture and Physical Education, the requirement of B.Ed qualification is not mandatory. Such classification which has been made by the employer has not been found to be contrary to rules governing the field. Neither can it be said to be malafide or arbitrary as these are subjects where there reasonable classification made for the subject concerned and for the said reason perhaps the respondents do not require the degree of B.Ed for the purpose of employment in Agriculture and Physical Education Subjects.

**4.** Thus, this court does not find any strong case made out by the petitioner calling for an interference with the advertisement or recruitment process initiated. It is not a case where the petitioner has been deprived to participate in the recruitment process. It is a case where the petitioner by virtue of her degree/qualification is claiming for preferential treatment which otherwise is not provided under the rules or regulations governing the field.

**5.** The petitioner has all the right to participate and apply with all other eligible persons who can apply for the said post.

**6.** The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
**Judge**

inder