

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 10721 of 2019**

1. Yogesh Puri Goswami, S/o Suresh Puri Goswami, aged about 35 years, R/o Village Jaitpuri, Post Banki, Tah. & District – Mungeli (C.G.)
2. Tileshwar Kumar Nirmalkar, S/o Uttam Nirmalkar, aged about 30 years, R/o. Village & Post Banki, Tah. & District – Mungeli (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh
2. The Director, Lok Shikshan Sanchanalaya, (Selection) Naya Raipur, Chhattisgarh

---- Respondents

For Petitioners : Shri Tarun Dansena, Advocate

For Respondents/State : Ms. Akanksha Jain, Dy. GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****19/12/2019**

1. Heard.
2. The instant petition is filed on the ground that the petitioners were the aspiring candidates for the post of Assistant Teachers. An advertisement was made in the month of April, 2019, whereby different teachers were to be appointed in the different grades. The petitioners claim for the post of Assistant Teacher Grade-III.
3. It is contended that one of the condition of the advertisement was that the candidate should have 50% marks in the graduation along with B.Ed. Degree. Learned counsel for the petitioners would submit that the petitioners are the holder of D.Ed degree and if such condition of the advertisement is accepted

then the persons who are D.Ed. Degree holder would be automatically eliminated, therefore, such condition in the advertisement is irrational.

4. Learned State counsel would submit that the examination was already held on 25.08.2019 and the petitioners have appeared in the exam knowing fully well the condition of the advertisement, therefore, they cannot challenge the same.
5. I have heard learned counsel for the parties.
6. The facts suggest that the petitioners pursuant to the advertisement in the month of April, 2019 wherein all the conditions were laid down appeared in the examination held on 25.08.2019. The conditions for the appointment having been exhibited and the petitioners knowing fully well appeared in the same cannot turn down and challenge the said on the ground that one of the conditions of the advertisement was erroneous which caused deprivation to the petitioners without their consideration. At this moment challenge to the condition of advertisement would amount change the rules of game after started. The petitioners otherwise also cannot challenge the same on the principles of acquiescence and law of estoppel.
7. The petition has no merit. It is accordingly dismissed.

Sd/-

Goutam Bhaduri
Judge