

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 10752 of 2019

Vivek Kumar Rathore S/o Shri Rajkumar Rathore Aged About 26 Years R/o Village Thusekela, Tahsil Kharasiya, District Raigarh Chhattisgarh. ---

Petitioner

Versus

1. State of Chhattisgarh through Secretary, Department of School Education, Mantralaya Naya Raipur, District Raipur, Chhattisgarh.
2. Director Lok Shikshan Directorate, Block - Iii, Ist Floor Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh.
3. Vyapam Chhattisgarh Professional Examination Board, Pension Bada Raipur, Through Its Secretary, District Raipur, Chhattisgarh. -- **Respondent**

For the Petitioner : Mr. Vinay Pandey, Advocate.

For the State/Respondents : Mr. Soumya Rai, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2019

1. Learned counsel for the petitioner contends that the petitioner has applied for the post of Lecturer (Physics) and appeared in the examination. After the examination was held, the merit list was published on 07.11.2019 wherein the name of petitioner finds place in merit list at Serial No.222. It was stated that he was called on 07.11.2019. He appeared on 07.11.2019 and sought for time to submit the documents which was allowed uptill 11.11.2019. The petitioner refers to the affidavit wherein it is stated that on 07.11.2019 itself he was required to furnish an affidavit. Consequently, he furnished the affidavit Annexure P-5 wherein he stated that he would be supplying the documents till 11.11.2019. It is further stated that on 11.11.2019 he reached the office at 5.30 p.m and was asked to come on the next date and on next date i.e., 12.11.2019, the documents were submitted. It is contended that though the documents were handed over but subsequently he was shown as absent in the merit list. Hence, it is contended that on the technical ground, the petitioner may not be eliminated as he has secured the position in merit list.

2. Learned State counsel would submit that since the documents were submitted by the petitioner after the office hours, he was declared absent.
3. This is not in dispute that the petitioner secured No.222 in the merit list. A perusal of the affidavit Annexure P-5 dated 07.11.2019 shows that the petitioner has stated that he would submit the documents on 11.11.2019 since at that time he was residing at Delhi. Further it is contended that though the petitioner reached to the office on 11.11.2019 at about 5.30 p.m., but the documents could not be submitted and presently the documents are with respondents, therefore, the candidature of petitioner for selection may not be cancelled showing him absent.
4. Taking into the totality of the facts, it is not in dispute that the petitioner secured the number on merit and the delay in submitting the documents which has been projected is not enormous or exorbitant as the documents as per the petitioner were furnished on 12.11.2019 though it was tendered on 11.11.2019 and having not been accepted on 11.11.2019, therefore, the same should not be treated as a barrier. It is always the law that technicalities should not be allowed to supersede unless they are alarming or cannot be condoned.
5. Under the circumstances, it is directed that the documents of the petitioners shall also be considered which were said to have been submitted on 12.11.2019 for selection of lecturer so as to allow him to further compete on merit.
6. With the aforesaid observation, the writ petition stands disposed of.

Sd/-

**GOUTAM BHADURI
JUDGE**