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HIGH COURT OF CHHATTISGARH BILASPUR**Writ Petition (S) No.2051 of 2020**

1. Prem Prakash Thakur, S/o Shri Chandra Bhushan Thakur, Aged About 21 Years R/o Ward No. 15, Shikari Para, Police Station Balod, District Balod Chhattisgarh.
2. Abhishek Rao, S/o Shri Venkateshwar Rao, Aged About 24 Years R/o R.E.S. Colony, Police Station Bijapur, District Bijapur Chhattisgarh.
3. Prashant Sagar Sharma, S/o Shri Purushottam Prasad Sharma Aged About 23 Years, R/o 171 - G, Mahatma Gandhi Ward, Police Station Sahaspur Lohara, District - Kabirdham Chhattisgarh.
4. Sanket Pathak, S/o Shri Pramood Kumar Pathak, Aged About 25 Years R/o House No. 10, Kalash Parishar, Old Sarkanda, Police Station Bilaspur, District Bilaspur Chhattisgarh.
5. Rajat Ratnaykey, S/o Shri Horil Lal, Aged About 26 Years R/o Patadi, Uрга, Police Station Uрга, District Korba Chhattisgarh.
6. Satyaprakash Sahu, S/o Shri Arun Kumar Sahu, Aged About 27 Years R/o Village, Post and Police Station - Sankara (Jonk), Tahsil - Pithora, District Mahasamund Chhattisgarh.
7. Ramlochan Dhirhi, S/o Shri Baldev Prasad Dhirhi, Aged About 23 Years R/o Near Gayatri Mandir, Vinoba Nagar, Police Station Tarbahar, Bilaspur, District Bilaspur Chhattisgarh.
8. Vivek Painkra, S/o Late Shri Manohar Sai, Aged About 24 Years, R/o House No. 630, Behind Poha Mill, Vasundhara Vihar Road, Godhanpur, Police Station Gandhi Nagar, Ambikapur, District Surguja Chhattisgarh.
9. Nepal Kumar Patel, S/o Shri Bheem Kumar, Aged About 26 Years R/o Village - Parsada Chhote, Post - Malda B, Police Station Sarangarh, District Raigarh Chhattisgarh.
10. Rupesh Baghel, S/o Shri Rameshar Baghel, Aged About 26 Years R/o Village - Bhejridih, Post Office - Bhainsa, Police Station Kharora, Raipur, District Raipur Chhattisgarh.
11. Aseem Daulat, S/o Shri Soni Kamred Daulat, Aged About 25 Years R/o Risai Para, Police Station Dhamtari, District - Dhamtari Chhattisgarh.
12. Sanjeevan Toppo, S/o Shri Reeva Toppo, Aged About 25 Years R/o Village - Shantipara, Post - Batauli, Police Station Batauli, District Surguja Chhattisgarh.
13. Manisha Jaiswal, D/o Shri Dinesh Kumar Jaiswal, Aged

About 24 Years R/o Ward No. 13, Mangal Pandey Ward,
Near Malviya Bandh, Namna Kala, Ambikapur, District -
Surguja Chhattisgarh.

---- **Petitioners**

Versus

1. State of Chhattisgarh, Through Principal Secretary, Department of Animal Husbandry, Mahanadi Bhavan, Mantralaya, Police Station and Post - Rakhi, Nawa Raipur, Atal Nagar, District - Raipur Chhattisgarh.
2. Director, Veterinary Services, First Floor, Block No. 3, Indravati Bhavan, Nawa Raipur, Atal Nagar, Raipur, District - Raipur Chhattisgarh.
3. Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District Raipur Chhattisgarh.

---- **Respondents**

For Petitioners	: Shri Santosh Kumar Pandey, Advocate
For Respondent/State	: Shri Vikram Sharma, Dy. Govt. Advocate
For Respondent/CGPSC	: Shri Anand Mohan Tiwari, Advocate

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Parth Prateem Sahu, Judge

01.09.2020

1. The petitioners are students, pursuing the course of Bachelor of Veterinary Science and Animal Husbandry (hereinafter referred to as 'B.V.Sc. & A.H.') in College situated at Anjora, District Durg, Chhattisgarh. They have challenged the advertisement dated 19.02.2020 (Annexure P/4) for appointment of Assistant Veterinary Surgeon issued by the Chhattisgarh Public Service Commission (hereinafter referred to as 'CGPSC') i.e. respondent No.3 as also the notification dated 07.01.2019 bearing No.F1-45/2018/35 (Annexure

P/3) amending the prescribed educational qualification in Schedule-III, in Serial No.1, Column No.7, to be arbitrary and unreasonable and sought for following reliefs :

“10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to produce all the relevant records relating to the case of the petitioners before this Hon'ble court for its kind perusal.

10.2 That this Hon'ble Court may kindly be pleased to declare the amended Rule dated 7.1.2019 as per Notification No.F-1-45/2018/35 (Annexure P/3) as arbitrary and unreasonable and direct the respondent authorities to modify the said rule reasonably.

10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consequently modify the advertisement dated 19.02.2020 (Annexure P/4).

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to accept the applications of the petitioners and permit them to participate in the examination.

10.5 Any other relief or direction or order as may be deemed fit in the facts and circumstances of the case may also be granted by the Hon'ble Court.”

2. At the outset, it is pointed out by the learned counsel for respondent No.3 that two more writ petitions were filed by the students seeking similar relief as sought for in this writ petition, which came to be dismissed vide order dated 07.08.2020 and this petition is squarely covered by the order passed by this Court in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020.

3. Shri Santosh Kumar Pandey, learned counsel for the petitioners submits that though the relief sought for in this writ petition and the other two writ petitions decided on 07.08.2020 are

same, but the petitioners in this writ petition have a case as during the course of time, some turn of events took place. He contended that the respondent-Chhattisgarh Public Service Commission (hereinafter referred to as 'CGPSC') during the course of hearing in earlier writ petitions has not brought to the notice of this Court that date for selection proceedings was extended, without issuing notice and calling reply earlier writ petitions were disposed off, representation submitted was not decided and the petitioners of those writ petitions are filing review petitions against the order dated 07.08.2020 passed in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020.

4. Per contra, Shri Anand Mohan Tiwari, the learned counsel representing the 3rd respondent/CGPSC submits that in this writ petition, exactly similar relief is sought for on similar grounds by the petitioners. The petitioners are also having the same status as of the petitioners in earlier writ petitions; as the petitioners are also pursuing their final year of B.V.Sc. & A.H. and the case of petitioners is squarely covered by the order passed by this Court on 07.08.2020 in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020.

5. We have heard learned counsel appearing for the respective parties and perused the documents available in the writ petition.

6. Perusal of the pleadings of the petitioners itself shows that the petitioners are also final year students of B.V.Sc. & A.H. and pursuing their studies in College situated at Anjora, District Durg, Chhattisgarh. The claim of the petitioners in this writ petition is that

they have completed the course of B.V.Sc. & A.H. and on the basis of which, Course Completion Certificate is issued by the Registrar of Chhattisgarh Kamdhenu University, Durg in the month of December 2019. On the basis of such certificate, the petitioners got themselves provisionally registered with the Registrar, Chhattisgarh State Veterinary Council, Raipur. It is the case of the petitioner that after registration with the Chhattisgarh State Veterinary Council, Raipur, the State Government has been taking their services from time to time. It is further case of the petitioners that the date of submission of the applications as prescribed under the advertisement is from 18.03.2020 to 16.04.2020, whereas the petitioners will complete their internship in June and only thereafter, mark-sheet/transcript be issued to them after June 2020. The completion period of internship will not affect the result of the petitioners. The action on the part of respondent-CGPSC is arbitrary and unreasonable in fixing the date of eligibility of the candidate. Clause 2(iv)(a) of the advertisement mentions that candidates must be registered with the Council before the date of advertisement of the post, whereas Clause 3(i) mandates that candidates must have all the requisite qualifications before the last date of submission of online application i.e. 16.04.2020 and further that amended Rules dated 07.01.2019 is arbitrary and unreasonable, wherein it talks about Graduate in B.V.Sc. & A.H. from any recognized University and registered under the C.G. State Veterinary Council to be one of the eligibility criteria for the post of Assistant Veterinary Surgeon.

7. No additional pleading or documents are placed on record.

8. We have perused the order passed in Writ Petition (S) No.2057 of 2020 dated 07.08.2020. The petitioners in those two writ petitions are similarly situated, and the relief sought is also similar. The Public Service Commission has filed their reply in earlier writ petitions, and considering the pleadings of petitioners and respondent No.3 as also the submission made on their behalf those writ petitions were disposed off.

9. Similar/identical grounds have been raised by the petitioners in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020, and after considering the submissions and the ground raised in those writ petitions, it was dismissed by this Court vide order dated 07.08.2020. This case is squarely covered with the order passed by this Court on 07.08.2020 in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020, therefore, this petition is also dismissed in terms of order dated 07.08.2020 passed in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020. Copy of order dated 07.08.2020 passed in Writ Petition (S) Nos.2057 of 2020 and 2058 of 2020 shall be made part of this order also.

10. The writ petition fails and it is dismissed.

Sd/-
(P. R. Ramachandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge