

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3875 of 2020

1. Khirsagar Patel S/o. Shri Santosh Kumar Patel, Aged About 40 Years R/o Village Bade Pomadih, Post Malda- B, Tehsil Sarangarh, District Raigarh Chhattisgarh
2. Gajanand Nayak, S/o. Shri Tilakram Nayak, Aged About 36 Years R/o. Village Madhopali, Post And Block Saraipali, District Mahasamund Chhattisgarh.
3. Chandrika Choudhary, D/o. Shri Nirpati Patel, Aged About 39 Years, R/o. Sagar Estate Saraipali, Ward No.10, Tehsil Saraipali, District Mahasamund Chhattisgarh
4. Alekh Kumar Patel, S/o. Shri Resham Lal Patel, Aged About 38 Years, R/o. Ward No. 01 Thakur Diya Khurd, Tehsil Pithora, District Mahasamund Chhattisgarh
5. Pravin Kumar Tiwari, S/o. Shri Bhola Shankar Tiwari, Aged About 37 Years, R/o. Mahalpara, Post Saraipali, District Mahasamund Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh, Through Its Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioners	:	Mr. Ghanshyam Kashyap, Advocate
For State/ Respondent No.1	:	Mr. Amrito Das, Addl. A.G.
For Respondent No.2	:	Mr. B.D.Guru, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

05.10.2020

Heard

1. Learned counsel for the petitioners would submit that the PSC has made an advertisement initially on 18.01.2019 for selection to the different posts of Assistant Professor, wherein one condition was incorporated in the

advertisement that on the date of filing of the application form, the persons who are applying should have requisite educational qualification of Ph.D, NET, SET, SLAT etc. The said application was required to be filed initially uptill 05.03.2019. Subsequently, date of filing of the application was extended and the time was extended till 12.03.2019 (Annexure P-4). Further the said time was again extended to 03.04.2019 and 20.12.2019 and lastly the extension has been made by Annexure P-1 dated 05.09.2020 whereby the last date of filing of the application form was extended uptill 18.09.2020. It is stated the condition embodied earlier advertisement would be applicable, meaning thereby the PSC could not allow the persons who have acquired qualification subsequently of the initial advertisement dated 18.01.2019 and target date of 05.03.2019. He would submit that the entire rule of game has been changed after the advertisement was finalized; therefore, there cannot be subsequent change of the terms of the advertisement and ineligible candidates cannot be allowed to participate.

2. Per contra, learned counsel appearing for the respondents would submit that it is under the background of the fact that initially the time of filing application was up till 05.03.2019, which was extended from time to time in the larger interest of the people and because of the pandemic Covid-19 situation, the result of the SET could not be declared by the State though the examinations were held. It is contended the result of SET was declared subsequently and those candidates were allowed who have passed out State Eligibility Test (SET) examination for selection of the post of Assistant Professor. He would further submit that Annexure P-1 has been issued in the larger interest to get more number of eligible candidates and who had suffered for no fault of them but because of pandemic situation and lock-down.
3. Heard learned counsel appearing for the parties and perused the documents.

4. Clause 3(i) of the initial advertisement purports that the persons were allowed to participate who have obtained the necessary qualification before filing of the on-line application, the said date was upto 05.03.2019. Subsequently, the PSC thought it to their wisdom and has extended the date of filing of the application firstly on 12.03.2019, subsequently on 03.04.2019, thereafter on 20.12.2019 and lastly by Annexure P-1 wherein last date of filing of the application for Assistant Professor was extended up till 18.09.2020.
5. Perusal of Annexure P-1 would show that the time to file the application form was extended because of pandemic Covid-19 infection which arrested the respondents to declare the result of the SET. Annexure P-1 would show that in order to make the competition more vast for the post of Assistant Professor and in the background of the pandemic situation, the time to file the application form was extended. The original advertisement dated 18.01.2019 only purports that all the person should have been in hold of the qualification before the on-line application is made. When the date of filing of the on-line application itself has been extended from time to time, it cannot be stated that the original terms of the advertisement has been changed on the subsequent extension of the date for filing of the application form. More so the petitioners have failed to explain the reason as to why the PSC should be restrained to allow the larger number of candidates to apply for the post of Assistant Professor. Even otherwise the persons who have been benefited by Annexure P-1 are not before this Court. The petitioners have failed to explain their right as to why they want to turn the selection process in a selective one alone by bottle necking the process. The petition therefore appears to be misconceived and devoid of all force.
6. The petition sans merit and accordingly it is dismissed.

Aks

Sd/-
Goutam Bhaduri
Judge