

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 4019 of 2020

1. Ravi Kumar Nirala S/o Dharamlal Aged About 27 Years R/o Village Nagridih, Post Office Kaitha, Tehsil Jaijaipur, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
2. Rupendra Sahu S/o Rohit Prasad Sahu Aged About 30 Years R/o Sarkanda , Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Somdutt Kaushik S/o Puranlal Kaushik Aged About 34 Years R/o Ward No. 4, Ganjpara,bilha District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Amritesh Shukla S/o Shri Arvind Shukla Aged About 33 Years R/o Abhinandan , Vidyut Nagar, Durg Chhattisgarh., District : Durg, Chhattisgarh
5. Wasim Akram S/o Shri Bakar Ali Aged About 32 Years Near Muslim Saray, Beside Azhar Flour Mill, Kelabadi, Durg , District Durg Chhattisgarh., District : Durg, Chhattisgarh
6. Ramrati Nishad S/o Shri Kulenj Nishad Aged About 28 Years Village Parsian , Thana Patharia, District Mungeli , Chhattisgarh., District : Mungeli, Chhattisgarh
7. Sandeep Kumar S/o Mr. Gaindlal Aged About 27 Years R/o Village Sahaspur, Block Chhuikhadan , District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh
8. Ramendra Kumar S/o Ramcharan Aged About 29 Years R/o Village Sohagpur, P/o Dhobni, Tahsil Bilaigarh, District Balodabazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
9. Aradhna Dewangan D/o Goverdhan Dewangan Aged About 28 Years R/o C/o Aarti Tailor, New Colony, Gaya Nagar , Durg Chhattisgarh., District : Durg, Chhattisgarh
10. Jagdish Kumar Satyam S/o Deelip Satyam Aged About 25 Years R/o Village Tilanjanpur , Post Bhagat Deori, Tahsil Pithora, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
11. Jay Kumar Mehra S/o Minta Ram Mehra Aged About 25 Years R/o Gandhi Chowk, Nagar Panchayat Pipariya, District Kawardha Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
12. Suraj Kumar Sandil S/o Kartik Ram Sandil Aged About 29 Years R/o Village Charpapa, Tahsil Malkharoda, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
13. Raja Jhariya S/o Shri Ashok Kumar Jhariya Aged About 28 Years R/o Math Para, Kawardha, District Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh
14. Naveen Kumar Sahu S/o Arji Lal Sahu Aged About 28 Years R/o Village Tala, Post Patharla, Tahsil Pithora, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

15. Aarti Tirkey D/o Narendra Tirkey Aged About 32 Years R/o Mangla Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Higher Education Department , Mantralaya , Mahanadi Bhavan , Atal Nagar , Nawa Raipur , Police Station Rakhi , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Secretary Chhattisgarh State Public Service Commission , Kehna Pahuch Marg, Near Bhagat Singh Sqaure, Civil Lines, Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Ms. Khushboo Dua, Advocate
For State/ Respondent No.1	:	Mr. Amrito Das, Addl. A.G.
For Respondent No.2	:	Mr. Ashish Shrivastava, Advocate

Hon'ble Shri Justice Goutam Bhaduri

ORDER

09.10.2020

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. 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. She 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. She further relies upon the order passed in WPS No. 10763 of 2019 on 19.12.2019 and submit in that case the applications were not entertained when qualifications were obtained after last date.

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. Reading of order passed on 19.12.2019 in WPS No. 10763 would show that in that case while deciding the case consideration was not that dates for filing of the form was extended, and was entirely on the different consideration. In the case in hand, the dates for filing of the form itself is extended, therefore in this case as held by the Court in earlier WPS No. 10763 of 2019 would not apply. The petition therefore appears to be misconceived and devoid of all force.

6. The petition sans merit and accordingly it is dismissed.

Jyoti

Sd/-
Goutam Bhaduri
Judge