

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4812 of 2020**

Pranay Gautam S/o Shri Dinesh Kumar Gautam Aged About 24 Years R/o Swapnshilp, Gauravpath, Nayapaara Ward No. 16, Bemetara District Bemetara Chhattisgarh

---- Petitioner**Versus**

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

---- Respondents

For Petitioner	:	Mr. Arjit Tiwari, Advocate
For State	:	Mr. Rahul Jha G.A.
For Respondent No.2	:	Mr. Ashish Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board

20/11/2020

1. The relief sought for in the present writ petition was permitting the petitioner to participate in the selection process for the post of Assistant Director (Department of Public Relations) a recruitment process initiated by the respondent No.2.
2. The advertisement for the said post was published on 20.08.2020 with the last date of submission of the application form being 26.09.2020. The petitioner in the instant case is a student undertaking his post graduation on the subject Journalism and Mass Communication. As per the advertisement, the minimum qualification required for the said post was graduation in English and further Master Degree in Journalism with English medium. On

the date when the advertisement was published, the petitioner's examinations for the said post had not commenced. As per the petitioner, the examinations commenced from 11.09.2020 and was concluded on 24.09.2020 and the results have been declared only recently on 15.10.2020. Thereafter the present writ petition has been filed along with the representation to the respondents for the permission to participate in the recruitment process.

3. At this juncture, it would be necessary to mention that in the advertisement itself, it has been specifically mentioned in the note below the eligibility criteria that all the eligibility criteria required must be availed by the last date of submission of the application, which in the instant case was 26.09.2020. Admittedly the petitioner did not have the minimum qualification required for the post till the last date of submission of the application form. Therefore the petitioner was not in a position to apply or participate in the selection process.
4. The fact that the petitioner has been deprived of participating in the said recruitment process being on account of the examination being conducted late by the university cannot be a ground for interfering with the recruitment process initiated by the Public Service Commission, particularly when the minimum eligibility criteria is all fixed and specific. Moreover, what has also to be seen is that the petitioner at no point of time took any effort for seeking extension of the last date of submission of the application form from the Public Service Commission or by approaching this Court. In the absence of any such direction so passed the only

requirement would be whether the petitioner till the last date of submission of the application had the minimum qualification or not, which admittedly the petitioner did not have.

5. Recently this Court in a some what similar factual backdrop in WPS No. 3059/2020 decided on 17.08.2020 has dismissed a writ petition of similar nature, wherein the Hon'ble Bench has in paragraph No.4 held as under:

“4. The advertisement Annexure P-2 is dated 10.06.2020, which purports that the required qualification was that the applicant should have been in hold of the post graduate degree in second division and clause 5 of the advertisement further purports that before the date of the application, the applicant should be qualified, which is necessarily implies that on the date of application, the applicant should be M.Sc Post Graduate in Agriculture. It is obvious that because of the pandemic situation, the examination could not be held as otherwise would have been held in the month of April, but the said facts cannot come in aid to the petitioners, who certainly would not be qualified to apply according to the advertisement Annexure P-2 as they had not passed out M.Sc. Agriculture. The sympathy cannot be allowed prevailing over the facts. Furthermore, the last date to file the application was on 14.07.2020 and perusal of the document of the case shows that it was filed on 17.07.2020 i.e. after the last date to apply the advertisement was over. Under the circumstances, no relief can be granted to the petitioners and the petition is accordingly dismissed.”

6. In the instant case also if we look at the factual matrix of the case, the advertisement was issued on 20.08.2020. The last date of submission of the application form was 26.09.2020. As per the petitioner himself the results were declared only on 15.10.2020 i.e. much after the last date for submission of the application form and the present writ petition has been only recently filed on 05.11.2020.

7. For all the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for an interference with the recruitment process. The writ petition accordingly stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved