

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5423 OF 2020**

1. Azhar Ali S/o Hussain Ali Aged About 30 Years R/o Mahamaya Ward No. 06, Behind Of Sheikh Radio Centre, Kawardha, District Kabirdham Chhattisgarh.
2. Kamta Prasad S/o Bhaiya Ram Aged About 27 Years Village Dhourabhata, Post Office Kundel , Tehsil Magarload District Dhamtari Chhattisgarh.
3. Mukesh Kumar Vaishnav S/o Satyanarayan Vaishnav Aged About 33 Years At Post Kanakbira Tehsil Sarangarh , District Raigarh Chhattisgarh.
4. Avinash Kumar S/o Bhuneshwar Aged About 27 Years Village Post Office Girdhauna, Tehsil Takhatpur, District Bilaspur Chhattisgarh.
5. Laxminarayan Patel S/o Khirsagar Patel Aged About 24 Years Village Dongiya, Post Office Hardi , Tehsil Sarangarh, District Raigarh Chhattisgarh.
6. Umesh Kumar S/o Thabeer Aged About 26 Years At Post Chhichhour Umaria, Tehsil Pussore, District Raigarh Chhattisgarh.
7. Naresh Kumar Patel S/o Banwari Lal Patel Aged About 30 Years Village Daskamuda, Post Office Maharajganj, Tehsil Dharamjaigarh, District Raigarh(CG)
8. Pankaj Verma S/o Ravindra Verma Aged About 29 Years Village Budgahan, Post Office Beldar Seoni, District Raipur Chhattisgarh.
9. Samir Yadav S/o Siyaram Yadav Aged About 25 Years Shanti Nagar Ward No. 25, Behind Daddu Kirana , Janjgir , District Janjgir Champa Chhattisgarh.
10. Uma Shankar Sahu S/o Sagar Ram Sahu Aged About 27 Years Village Mandlor, Post Office Pond, Abhanpur, District Raipur Chhattisgarh.
11. Ajay Kumar S/o Firat Ram Aged About 28 Years Village And Post Office Kuthur, Tehsil Navagarh District Janjgir Champa Chhattisgarh.
12. Seema Nishad S/o B.R. Nishad Aged About 27 Years Village And Post Office Pondi , Block Bodla, District Kabirdham Chhattisgarh.
13. Devendra Kumar S/o Lekhram Sahu Aged About 27 Years Ward No. 05, Bemetara , District Bemetara Chhattisgarh.
14. Amit Dahire S/o Janak Ram Dahire Aged About 30 Years Village Lokband, Police Station Kargikhurd, Tehsil Kota, District Bilaspur (CG)
15. Ghanshyam Lal Sahu, S/o Lt. Kasee Ram Sahu, Aged About 30 Years, Village Barbaspur, PO Uparwah, District Rajnandgaon (CG)
16. Hemnath Yadav S/o Kheduram Aged About 31 Years Village And Post Office Putpura, Tehsil Kasdol, District Balodabazar (CG)
17. Leelamber Patel S/o Jag Mohan Patel Aged About 33 Years Village Khairmunda, Post Office Tundari , Tehsil Dabhara, District Janjgir Champa (CG)
18. Ramchandra Sahu S/o Keshav Sahu Aged About 27 Years Village Saigona, Post Office Karesara, Tehsil Thankhamharha, Distt. Bemetara (CG)
19. Akhilesh Kashyap S/o Shyam Sundar Kashyap Aged About 30 Years Village Pond , Post Office Saida, District Bilaspur Chhattisgarh.
20. Nemsingh Verma S/o Bhukhan Singh Verma Aged About 32 Years Village Bherwa, Post Office Khaikhunt, Tehsil And District Raipur Chhattisgarh.
21. Narendra Kumar Dewangan S/o Janak Ram Dahire Aged About 50 Years T.V. Tower Road, In Front Of B.S.N.L. Colony Raigarh, District Raigarh (CG)
22. Somal Kumar S/o Dhansay Kewat Aged About 39 Years Village Tilda, Post Office Siriyadih, Tahsil And District Baloda Bazar Bhatapara Chhattisgarh.
23. Sunil Kumar S/o Banshi Lal Aged About 26 Years Villae Bundeni, Block Magarlod , District Dhamtari Chhattisgarh.
24. Kishor Kumar S/o Gunik Ram Aged About 24 Years Village And Post Office Giroud, Tehsil Magarlod , District Dhamtari Chhattisgarh.
25. Digeshwar Prasad Verma S/o Ashok Kumar Verma Aged About 25 Years Village Mandlor, Post Office Pond, Block Abhanpur, District Raipur Chhattisgarh.
26. Pramod Kumar Sahu S/o Santu Ram Sahu Aged About 24 Years R/o Village Chatoud, Post Dondekala , Block Arang, District Raipur Chhattisgarh

... Petitioners

versus

1. State of Chhattisgarh, through its Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Directorate of Public Instructions, through its Director, Raipur, District Raipur (CG)
3. Chhattisgarh Professional Examination Board, through its Examination Controller, Pension Bada Raipur, District Raipur (CG)

... Respondents

For Petitioners	:	Ms. Diksha Gouraha, Advocate.
For Respondents 1 & 2/State	:	Mr. Sudeep Verma, Dy. G.A.
For Respondent 3	:	Mr. Sourabh Pandey, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****17/12/2020**

1. Challenge in the present writ petition is to the selection process for the post of Assistant Teacher, Teacher and Lecturer conducted by the respondents.
2. Grievance of the petitioners seems to be the allowing of the candidates with CTET qualification for participating in the recruitment process which according to the petitioners should not have been done when the qualification of CGTET has been prescribed by the State.
3. Learned counsel for petitioners refers to Annexure P-5 which is the Instruction issued from the Central Board of Secondary Education, Delhi in respect of Central Teacher Eligibility Test (CTET). Learned counsel for petitioners refers to Clause 10 "Applicability" in the said Instruction, which for ready reference is reproduced below:

"10. APPLICABILITY

(i) The CTET shall apply to schools of the Central Government (KVS, NVS, Central Tibetan Schools, etc.) and schools under the administrative control of Ut's of Chhattisgarh, Dadra & Nagar Haveli, Daman & Diu and Andaman & Nicobar Islands, Lakshadweep and NCT of Delhi.

(ii) CTET may also apply to the unaided private schools, who may exercise the option of considering the CTET.

(iii) Schools owned and managed by the State Government/local bodies and aided schools shall consider the TET conducted by the State Government. However, a State Government can also consider the CTET if it decides not to conduct the State TET.

(iv) According to CBSE Affiliation Bye-Laws, prescribing the minimum qualifications for teachers to teach various subjects in Classes I to VIII in the schools Affiliated to CBSE shall qualify/pass the Central Teacher Eligibility Test or Teacher Eligibility Test (TET), conducted by the appropriate Central/State Government in accordance with the Guidelines framed by the NCTE for this purpose."

4. From the plain reading of aforementioned clause (iii), it clearly reflects that the Central Board of Secondary Education has laid a prerogative of the State Government to accept the candidates of CTET if it decides not to conduct the State TET, which by itself would mean that the candidates of CTET are otherwise eligible for being considered for the post of Assistant Teacher, Teacher and Lecturer.

5. Another fact which needs to be considered at this juncture is that it is not a case where the petitioners have been debarred from participating in the recruitment process. Petitioners have been found eligible and have been called on for document verification. The right of the petitioner from being considered has not been in any manner adversely affected, calling upon this Court to exercise its extraordinary writ jurisdiction under Article 226 of the Constitution of India for stalling of the entire recruitment process itself, particularly when the petitioners also have been found to be eligible and are being considered in the recruitment process.

6. It is the further contention of learned counsel for petitioners that the advertisement as such permits only those candidates who have passed the State CTET alone. This ground of the petitioners also would not be sustainable at this juncture when the petitioners themselves are being considered by the respondents for the recruitment. If at all, if the petitioners have grievance in the event of the petitioners getting disqualified and the candidates who have qualified CTET are appointed, the petitioners would be at liberty to raise their grievance at that appropriate stage.

7. Writ Petition thus being devoid of merits, the same deserves to be and is accordingly dismissed.

/Sharad/

**Sd/-
(P. Sam Koshy)
JUDGE**