

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No.4912 of 2011**

- Ramayan Prasad Rathor, S/o Sahas Ram Rathor, aged about 43 years, Unemployed, R/o Village and Post Gatora Via Jairam Nagar, Distt. Janjgir Champa (C.G.)

----- Petitioner**Versus**

- 1.State of Chhattisgarh through the Secretary, Panchayat and Rural Development Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
- 2.The Secretary, Department of School Education, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
- 3.The Director, Directorate of Panchayat and Social Welfare, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
- 4.The Chief Executive Officer, Jila Panchayat, Janjgir-Champa, District Janjgir-Champa (C.G.)

----- Respondents

For Petitioner	Mr. B. P. Rao, Advocate
For Respondent-State	Mr. Siddharth Dubey, Dy. GA

Hon'ble Justice Shri Sanjay K. Agrawal**Order On Board****23/08/2021**

1. Proceedings of this matter have been taken up through Video Conferencing.

2. The petitioner herein calls in question the legality, validity and the correctness of the order dated 22.07.2011 (Annexure-P/8) passed by the Additional Commissioner, Bilaspur Division, whereby the revision preferred by the petitioner against the order of the Appointing Authority, the respondent No.4 has been dismissed finding no merit.
3. Mr. Rao, learned counsel for the petitioner, would submit that though the petitioner is Commerce Graduate and the posts were advertised vide Annexure-P/1 for appointment on the post of Shiksha Karmi Grade-II for Arts and Science Subjects, but the other Panchayats have already appointed the Commerce Graduates candidates to the post of Shiksha Karmi Grade-II reserved for Science and Arts subjects, therefore, the petitioner's candidature ought to have been considered. Thus, the Appointing Authority, the respondent No.4 and the learned Commissioner have committed illegality in rejecting the petitioner's candidature for the post of Shiksha Karmi Grade-II and the impugned order deserves to be set aside.

4. Learned State counsel would support the impugned order.
5. I have heard learned counsel for the parties, considered their rival submissions and went through the records with utmost circumspection.
6. A careful perusal of clause 2 of the advertisement dated 14.01.2008 (Annexure-P/1) would show that for appointment on the post of Shiksha Karmi Grade-II, the candidate should have the qualification of graduation in Science and Arts Subjects and B.Ed Degree. Admittedly, the petitioner was Commerce Graduate and thus he was not qualified for the advertised posts, therefore, the Appointing Authority is justified in rejecting petitioner's candidature, which has rightly been affirmed by the learned Commissioner in the revision preferred by the petitioner.
7. I do not find any illegality and perversity in the finding recorded by the learned Commissioner and the contention of learned counsel for the petitioner that the other

Panchayats have also admitted the candidature of the Commerce Graduates candidates, it cannot be a ground to claim any negative equality. Accordingly, the writ petition is dismissed leaving the parties to bear their own costs.

Sd/-
Sanjay K. Agrawal
Judge

Nirala