

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 844 of 2021**

Archana W/o Shri Rahul Singh, Aged About 28 Years, R/o 12B
Ruabandha Sector, Bhilai Nagar, Durg, District Durg, Chhattisgarh

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Nawa Raipur, District Raipur, Chhattisgarh
2. Director, Directorate Of Public Instruction Raipur, District Raipur, Chhattisgarh
3. Joint Director, Raipur Division, District Raipur, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

26.02.2021

1. The challenge in the present writ petition is to the order Annexure P-1 dated 20.01.2021 whereby the candidature of the petitioner for the post of Teacher (Social Science) has been rejected on the ground that the Graduation of the petitioner has been done in commerce.
2. The contention of the petitioner assailing the impugned order is that in the course of undertaking her graduation in commerce, the petitioner has studied economics as one of the subjects and therefore, she meets the requisite eligibility criteria in terms of the advertisement as also in

terms of the recruitment rules. Hence, the impugned order is arbitrary and deserves to be set aside. According to the petitioner, since the requirement for the post of Teacher (Social Science) was graduation with any of the subjects which are reflected in the 'Subject Group' column and the petitioner having done part of her studies in economics, her candidature should not have been rejected.

3. It would be necessary at this juncture to take note of the minimum eligibility criteria required for the post of Teacher (Social Science) which are as follows:

Minimum Qualification for Teacher

(a) Graduation and 2 year Diploma in Elementary Education (by what ever name known)

Or

Graduation with at least 50% marks and 1 year Bachelor in Education (B.Ed.)

Or

Graduation with at least 45% marks and 1-year Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition, Norms and Procedure) Regulations issued from time to time in this regard.

Or

Higher Secondary or its equivalent with at least 50% marks and 4 years B.A./B.Sc.Ed. Or B.A.Ed./B.Sc.Ed.

Or

Graduation with at least 50% marks and 1 year B.Ed. (Special Education)

And

(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the guidelines framed by the NCTE for the purpose.

The subjects of the bachelor’s degree above will be as follows:-

S. No.	Subject	Subject Group
(1)	(2)	(3)
1.		
2.		
3.	Social Science	One of the subject, history, geography, economics or political science will be compulsory.

4. The contention of the petitioner does not seem to have force, for the reason that if we look into the advertisement as also the recruitment rules, it would clearly reflect that there are specific subjects under which a candidate should have done his/her Graduation, for recruitment to the post of Teacher (Social Science) and the subjects required for Bachelors degree have been shown to be either History, Geography, Economics or Political Science as compulsory.
5. In the instant case, if we look into the marks sheet furnished by the petitioner, it would clearly reflect that the petitioner except for the first two years of her degree course, does not have subject economics in the last year of her course which itself would show that the graduation of the petitioner is in commerce wherein economics is only one of the subjects for the initial two years of her studies. Therefore, it cannot be said that the graduation of the petitioner was with economics as a compulsory subject as is required under the rules and the advertisement governing the field. Moreover, with the subject in which the petitioner has done graduation she could have very well participated for appointment to the post of Teacher (Commerce).

6. In the instant case, the authorities on due scrutiny of the documents found that the petitioner has done her graduation in Commerce wherein economics is not a compulsory subject as the marks sheet of the petitioner itself shows that economics was not a subject for the last year of her course. Hence, this Court does not find any illegality on the part of the respondents in reaching to the conclusion of the petitioner being ineligible for the post of Teacher (Social Science).
7. The writ petition thus being devoid of merits deserves to be and is accordingly rejected.

**Sd/-
P. Sam Koshy
Judge**