

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 926 of 2021**

Sheetal Pandey S/o Shri Ram Narayan Pandey Aged About 24 Years Resident Of H.No. 591/g, Baijnath Para, Ward No. 39, Durg, District Durg Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Department Of School Education , Mahanadi Bhawan, Mantralaya Atal Nagar, New Raipur , District Raipur Chhattisgarh.
2. Director Directorate Of Public Instructions, Indrawati Bhawan, Atal Nagar , Raipur , District Raipur Chhattisgarh.
3. Joint Director Education Department, Bastar Division Bastar, District Jagdalpur Chhattisgarh.

**-----Respondents**


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For the Petitioner : Mr. Vinod Kumar Sharma, Advocate

For the Respondents/State : Mr. Sudeep Verma,Dy.Govt.Advocate

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****11/02/2021**

1. The grievance of the petitioner in the present case is issuance of Annexure P/1 whereby the candidature of the petitioner for appointment to the post of Teacher Maths has been rejected.
2. The rejection of the petitioner's candidature is on two counts, firstly the petitioner is not a Graduate with Maths and secondly the petitioner has studied only applied Chemistry and not in the main subject of Chemistry.
3. As regards the first part of the rejection order is concerned, this Court has already in a bunch of writ petitions in WPS 3789/19 and other connected matters have considered this aspect and have held that the

petitioner being a graduate in Engineering meets the requirement of the minimum eligibility criteria fixed under the rules as also under the advertisement of being a graduate with maths as a subject and therefore, the first ground on which the candidature of the petitioner has been declared to be ineligible does not stand the test of law. The same therefore needs to be reconsidered.

4. However as regards the second part of the rejection order is concerned, the same again has to be reconsidered by the respondents for the reason that once if the petitioner is found to be eligible for participation being a graduate in Engineering and that she has done her B.E. in Computer Science. She further meets the requirement under the advertisement of having studied maths with computer science and she has also studied applied Chemistry in her B.E. course. Whether applied Chemistry that she has studied would meet the requirement under the advertisement or not is an aspect which needs to be checked into and reconsidered by the respondent-authorities.
5. Keeping in view the judgment of this Court in the case of WP(S) No. 3789 of 2019 '*Arun Kumar Navgwal and Ors Vs. State of Chhattisgarh & Ors*' this Court is of the opinion that the case of the petitioner needs reconsideration and therefore the matter stands remitted back to the respondents No. 2 & 3 to scrutinize the candidature of the petitioner afresh and pass a fresh order purely on merits taking into consideration her qualification that she has and the requirement of law under the rules governing.

Sd/-  
(P. Sam Koshy)  
Judge