

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1058 of 2021**

Narottam Sahu S/o Shri Nohar Das, Aged About 26 Years, R/o Village And Post Gidhamunda, Block Saraipali, District Mahasamund Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Public Instruction, Chhattisgarh, Raipur Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh.

---- Respondents**WPS No. 864 of 2021**

- Ghanshyam Kumar Dadsena S/o Shri Chandra Bhushan Aged About 30 Years R/o Karnoud, P. O. Karnoud, Via Bamhni Bazar, District- Janjgir-Champa, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur (C.G.)
2. Director, Directorate Of Public Instruction Chhattisgarh, Raipur, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.

--- Respondents**WPS No. 973 of 2021**

- Smt. Krishni Shrivastava W/o Shri Chhote Lal Shrivastava Aged About 30 Years R/o Village and Post Bamhanidih, District - Janjgir Champa (C.G.)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District – Raipur, Chhattisgarh.
2. Director, Directorate of Public Instruction Chhattisgarh Raipur Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---- Respondents

WPS No. 1041 of 2021

- Uttam Yadu S/o Shri Daoram Yadu, Aged About 24 Years R/o Ward No. 05, Village - Karesara, P.O. Karesara, District - Bemetara (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate of Public Instruction Chhattisgarh Raipur Indravati Bhawan, Naya Raipur, District - Raipur Chhattisgarh.

---- Respondents

WPS No. 1057 of 2021

- Govind Ram Patel S/o Shri Son Charan Patel, Aged About 25 Years R/o Bagdevi Para Kasdol, District- Balodabajar, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District- Raipur (C.G.)
2. Director, Directorate Of Public Instruction Chhattisgarh, Raipur, Indravati Bhawan, Naya Raipur, District- Raipur, Chhattisgarh.

---- Respondents

WPS No. 1059 of 2021

- Sanjay Kumar Jaiswal S/o Shri Ramlal Jaiswal, Aged About 29 Years
R/o Near Rajshri Modern School Sarangarh, District- Raigarh (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education,
Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur (C.G.)
2. Director, Directorate Of Public Instruction Chhattisgarh Raipur
Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---- Respondents

WPS No. 1064 of 2021

- Umesh Kumar S/o Shri Devraj Pradhan, Aged About 31 Years R/o
Village Sankra, Tahsil - Baramkela District - Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Education,
Mahanadi Bhawan, Mantralaya New Raipur, District Raipur
Chhattisgarh.
2. Director, Directorate Of Public Instruction Chhattisgarh Raipur Indravati
Bhawan, Naya Raipur, District Raipur Chhattisgarh

---- Respondents

WPS No. 1072 of 2021

- Durgesh Kumar Gupta S/o Lekru Prasad Gupta Aged About 35 Years
Resident of Village Jakela, Post Aurda Tahsil - Pussor District- Raigarh
Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department of Education,

Mahanadi Bhawan, Mantralaya New Raipur, District-Raipur Chhattisgarh.

2. Director Directorate Of Public Instruction Chhattisgarh Raipur Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

---- Respondents

WPS No. 1077 of 2021

- Santosh Kumar Patil S/o Bahlu Ram Patil, Aged About 32 Years R/o Village Mahratola Post and Tahsil Lohara District Kabirdham Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh.
2. Director, Directorate Of Public Instruction Chhattisgarh Raipur Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---- Respondents

WPS No. 1102 of 2021

- Devendra Kumar Joshi S/o Shri Uttam Singh Joshi Aged About 28 Years R/o Village Raipura, Tahsil Daundi Lohara District - Balod Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur Chhattisgarh
2. Director, Directorate Of Public Instruction Chhattisgarh Raipur Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Mr. Rahul Jha, G.A., Mr. Sudeep Verma, Dy. G.A. & Ms. Akanksha Jain, Dy. G.A.
For UGC	:	Mr. R. K. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

01.03.2021

1. The challenge in all these bunch of writ petitions was the order Annexure P-1 passed by the respondents declaring the candidature of the petitioners as ineligible for recruitment to the post of Teacher (E & T Cadre).
2. The declaration of the petitioners to be ineligible was on the ground that the petitioners have undertaken their degree course as also diploma course simultaneously in the same academic session.
3. The challenge primarily was that there was no bar as such by either under the rules governing the field or by way of instruction by any of the Authorities of the Govt. or for that matter from any of the educational institutions or even by the UGC whereby any restriction/prohibition has been put for undertaking degree and diploma courses in the same academic session.
4. Today, when the matter was taken up for hearing, counsel appearing for the petitioners drew the attention of this Court to a document from the Office of the Directorate of Public Instruction dated 15.02.2011 whereby in a departmental meeting that was convened on 10.02.2021, the Directorate of Public Instruction has as a policy decision decided that those candidates who have undertaken degree and diploma courses in the same academic session, they shall not be declared

ineligible from being considered for the post of Teacher. The said order dated 15.02.2011 has been passed by the Joint Director with the approval of the Director as would be evident from the order dated 15.02.2021.

5. Given the fact that the Directorate of Public Instruction has now taken a decision on 15.02.2021 not to declare the candidates ineligible on the ground of having undertaken degree and diploma courses in the same academic session, these bunch of writ petitions can be disposed of at this stage directing the respondent authorities to proceed further with the recruitment process so far as the petitioners are concerned not treating them to be ineligible in terms of the decision taken on 15.02.2021 by the Directorate of Public Instruction.
6. Accordingly, the impugned order Annexure P-1 in all these writ petitions, in the light of the order of the Directorate Public Instruction dated 15.02.2021, stands set aside/quashed. The respondents are expected to consider the case of each of the petitioners on its own merits without treating them ineligible on the ground of having degree and diploma in the same academic session.
7. All these writ petitions accordingly stand disposed of.

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