

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1637 of 2021**

Shailendra Kumar Patel S/o Late Baratram Patel, Aged About 48 Years
R/o. Village And Post Jawali, Tehsil Dabhra, District Janjgir - Champa
Chhattisgarh

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

1. State Of Chhattisgarh, Through - Secretary, Higher Education Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission, Raipur, Through Its Secretary, Public Service Commission, Raipur, Shankar Nagar, Raipur, District Raipur, Chhattisgarh
3. Exam Controller, Chhattisgarh Public Service Commission, Raipur, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh
4. Tehsildar, Dabhra, District Janjgir – Champa, Chhattisgarh

---- **Respondents**

For Petitioner	:	Mr. Manoj Paranjpe, Advocate
For Respondents 1 & 4	:	Mr. Alok Bakshi, Addl. A.G.
For Respondents 2 & 3	:	Mr. Anand Mohan Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****25.03.2021**

1. The dispute in the present writ petition is in respect of the appointment on the post of Registrar of the University.
2. The facts of the case, in brief, are that the respondents 2 & 3 had issued an advertisement originally on 23.12.2020. The last date for

submission of the application form was 19.02.2021. According to the petitioner, initially he had applied under un-reserved category on 09.02.2020 since there was no reservation shown in the advertisement for OBC category candidates. Realizing the fact that the respondents have not provided reservation to OBC category candidates, the Chhattisgarh Public Service Commission (hereinafter referred as "CG PSC") published a corrigendum on 09.02.2021 notifying the posts also for OBC category candidates. It is the further contention of the petitioner that immediately after the corrigendum was issued, the petitioner got his application edited in accordance with the procedure prescribed and by way of edition the petitioner applied as a candidate under OBC category. According to the petitioner, he had carried out the edition on 26.02.2021 and his candidature is still under consideration.

3. The only apprehension of the petitioner and for which he has approached this Court is that the petitioner being a candidate under OBC category, he is required to provide a certificate of the competent authority showing that he does not fall under creamy layer and which takes a minimum prescribed period for obtaining the same. The petitioner, in the instant case, obtained the same on 22.02.2021 for which the petitioner had applied only after the corrigendum was issued by the respondents on 09.02.2021. The apprehension, that the petitioner has, is that his candidature should not be rejected only on the ground that the petitioner has obtained the non-creamy layer certificate from the competent authority after the last date of submission of the application i.e. 19.02.2021 in the given peculiar facts of the case where the CG PSC itself only by way of a corrigendum on 09.02.2021 has

notified the post for OBC category candidates also.

4. Learned counsel appearing for the CG PSC submits that subject to verification of facts as to whether the petitioner had in fact applied well before the last date of submission of the application i.e. 19.02.2021, the case of the petitioner can be considered even he has obtained the certificate of being non-creamy layer after the last date of submission of application on 19.02.2021.
5. Given the said submission by the counsel for the CG PSC, the learned Additional Advocate General submits that since the CG PSC has already taken a stand, the State does not oppose the said stand.
6. Given the aforesaid facts and circumstances of the case, the writ petition, at this juncture, in the light of the submission made by the learned counsel for the CG PSC, stands disposed of holding that subject to verification of the facts as to whether the petitioner had applied at the first instance well within the period prescribed, the candidature of the petitioner shall not be rejected only on the ground of his obtaining the non-creamy layer certificate beyond the last date for submission of application, taking into consideration the peculiar facts of the present case. However, it is made clear that the same should not be treated as a precedent for any other recruitment process.
7. With the aforesaid observation, the writ petition stands disposed of.

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