

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1589 of 2021**

Mohan Singh Son Of Shri Sonaru Ram Aged About 29 Years Resident Of
Village And Post Murnar, Block Orchha, District Narayanpur (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
3. Joint Director Department Of Education Jagdalpur, District Bastar (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Ajay Shrivastava, Advocate
For State	:	Ms. Hamida Siddiqui, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy
Order on Board

17/03/2021

1. The grievance of the petitioner in the present writ petition is to the action on the part of the respondents in declaring the petitioner as ineligible for appointment to the post of Teacher (English) in the selection process conducted by the Chhattisgarh Professional Examination Board.
2. An advertisement was issued by the Chhattisgarh Professional Examination Board for filling up of the post of Teacher (English). As per the conditions prevalent, the candidates belonging to the special backward tribal community were granted relaxation from the qualification of D.Ed. and T.E.T.

3. According to the petitioner, he is a resident of notified scheduled area Mudpar under Block Orchha, District Narayanpur and he belongs to the 'Abujhamadiya Tribe', which falls under the special Other Backward Schedule Tribe category. According to the petitioner, he has got the caste certificate issued declaring himself to be belonging to the "Abujhamadiya" Tribe and where it has also been certified to be a scheduled tribe.
4. The petitioner referred to the notification of the State Government issued in the name of the Governor of the State dated 21.05.2013 wherein candidates belonging to Abujhamadiya and other special backward tribe would be entitled for reservation up to 20% from the reserved category quota and thereby according to the petitioner, they were also entitled for the benefit. The notification dated 21.05.2013 clearly reflects that the candidates belonging to the scheduled tribe Abujhamadiya belongs to the Other Backward Schedule Tribe category. The Govt. has again issued a notification on 10-01-2013 whereby the candidates belonging to the Other Backward Schedule Tribe are exempted from having the qualification of D.Ed/TET at the time of appointment and thereby the petitioner would be entitled for the relaxation which is otherwise provided in the notification of the State Government dated 10.01.2013.
5. Given the aforesaid two notifications issued by the State Government, this Court is prima facie of the view that declaring the petitioner ineligible on account of not having qualification of D.Ed./T.E.T. does not seem to be proper, legal and justified unless of

course the notification dated 10.01.2013 has been superseded or amended.

6. Therefore the declaration of the petitioner as ineligible only on this ground alone stands set-aside at this juncture and the matter stands remitted back to the respondents No.2 & 3, subject to verification, to firstly declare the petitioner eligible in accordance with the notifications dated 10.01.2013 and 25.01.2013 and to proceed further with the recruitment process from the stage the petitioner has been declared ineligible and an appropriate steps be taken along with other similarly placed persons.
7. Let the further proceedings be concluded in accordance with law at the earliest preferably within a period of 45 days from the date of receipt of the copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Ved