

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 4436 of 2012**

Omkar Korte S/o Shri Budhram, Aged about 38 years,
R/o Village and Post Bhawarmara, Tahsil
Dondilohara, Distt. Durg, Chhattisgarh posted at
Assistant Grade III at Pt. Devi Prasad Choubey,
Govt. College Saja, Distt. Bemetara, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through the Secretary,
Education Department, DKS Bhawan, Raipur, Distt.
Raipur, Chhattisgarh.
- 2.Commissioner, Higher Education, Directorate, Govt.
Science College, Premises , Raipur.
- 3.Joint Director, Higher Education, Directorate,
Raipur.
- 4.Regional Upper Director, Directorate, Raipur,
Chhattisgarh.
- 5.Principal, Pt. Devi Prasad Choubey, Govt. College,
Saja, Distt. Durg, Chhattisgarh.

---Respondents

For Petitioner :- Mr. Aman Yadav on behalf of
Mr. B.P. Singh, Advocates

For State :- Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

28/09/2021

1. Petitioner herein calls in question legality, validity and correctness of order dated 03/09/2012 (Annexure P/1) as well as order dated 06/08/012 (Annexure P/2).
2. It is the case of the petitioner that he was appointed on the post of Assistant Grade III after fulfilling the eligibility criteria by order dated 12/08/2010. However, subsequently after giving notice for clarification to the petitioner and despite submission of clarification by the petitioner, he was held technically unqualified and by order dated 03/09/2012 (Annexure P/1), his appointment on the post of Assistant Grade III has been annulled, which is not in accordance with law, therefore, the impugned order is liable to be set aside.
3. Return has been filed by the State in support of the impugned order stating that petitioner did not have technical qualification, therefore, after giving notice and an opportunity of hearing to him, his appointment has been annulled.
4. Mr. Aman Yadav, learned counsel for the petitioner, would submit that petitioner did have the required technical qualification for the post of Assistant Grade III and he had also submitted technical educational certificate obtained by him from an

institution recognized by the Government of Chhattisgarh, despite that his appointment on the post of Assistant Grade III has been annulled.

5. Mr. Siddharth Dubey, learned State counsel, would support the impugned order and submit that petitioner's technical educational certificate is not from an institution recognized by the State Government, therefore, his appointment has rightly been annulled.

6. I have heard learned counsel for the parties, considered their rival submissions and went through the records with utmost circumspection.

7. The dispute herein is with regard to the technical educational qualification of the petitioner, who was appointed on the post of Assistant Grade III on 12/08/2010. Thereafter, it was found that petitioner did not possess technical qualification and by order dated 03/09/2012 (Annexure P/1), his appointment has been annulled.

8. A careful perusal of the advertisement (Annexure P/3) issued for recruitment on the post of Assistant Grade III would show that the educational and technical qualification for the said post was (1) the candidate should have passed higher secondary from the Board recognized by the State of Chhattisgarh and the mark-sheet of 10+2 was

required (2) the candidate ought to have passed the Hindi Typing Examination with the speed of 25 wpm from a board recognized by the Government of Chhattisgarh and (3) the candidate should have obtained qualification of Data Entry Operator/Programming of one year diploma from an institution recognized and should have a speed of 5,000 key impressions per hour.

9. In the notice issued to the petitioner, it was disclosed by the respondents that petitioner did not possess the qualification of having completed one year diploma/qualification as Data Entry Operator/programming from a Government recognized institution. In reply of the notice, petitioner submitted his clarification and ultimately, upon examination of the case of the petitioner, it was found that he did not fulfill the eligibility criteria of having technical qualification from an institution recognized by the Government of Chhattisgarh and by order dated 03/09/2012 (Annexure P/1), petitioner's appointment on the post of Assistant Grade III has been annulled.

10. From a careful perusal of the record, it is quite clear that the institution i.e. Nicetec Computer Education Private Limited was not an institution recognized by the Government of Chhattisgarh. In

fact, from the perusal of Annexure P/11, it is evident that Guru Ghasidas University had merely renewed the status of the said Nicetec Computer Education Institute as an information and guidance center that too for the year 2001-02 only, therefore, that institute cannot be held to be recognized by the State Government for the purpose of obtaining technical qualification for the post of Assistant Grade III. As such, the finding recorded by the respondents that petitioner did not have technical qualification for the post of Assistant Grade III is a finding of fact based on evidence and material available on record. Moreover, petitioner's service has been terminated after giving proper opportunity of hearing to him and after satisfying that he did not have technical qualification in terms of the advertisement (Annexure P/3) for the post of Assistant Grade III.

11. Accordingly, this writ petition, being devoid of merits, deserves to be and is accordingly dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

Harneet