

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.6263 of 2010

1. Smt Manjula Sharma, Aged about 36 years, W/o Shri Dinesh Sharma, Presently posted as Shiksha Karmi-2 at Govt. Middle School, Ramgarh, Block Mungali, District Bilaspur, R/o Subhash Ward, Mungali, District Bilaspur (C.G.)
2. Smt Prakashini David, Aged about 35 years, W/o Shri Mohan Lal Sahu, Presently posted as Shiksha Karmi-II at Govt. Middle School, Mohtarai, Block Belha, District Bilaspur, R/o C/o Sanjay James, Gali 2, Lavsing Gali, Kududand, Bilaspur (C.G.)

---- Petitioners

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
2. Secretary, School Education Department, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)
3. Director, Public Instructions, Secretariat, Raipur (C.G.)
4. District Education Officer, Bilaspur (C.G.)

---- Respondents

 For Petitioners: Mr. Harsh Mander Rastogi, Advocate.
 For Respondents/State: Mr. Ravi Kumar Bhagat, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. AgrawalOrder On Board09/08/2021

1. Proceedings of this matter have been taken-up through video conferencing.
2. The petitioners herein call in question the advertisement dated 8-10-2010 for recruitment on the post of Head Master by limited competitive examination form the posts of Shiksha Karmi Grade-I, Shiksha Karmi Grade-II and Shiksha Karmi Grade-III.
3. Mr. Harsh Mander Rastogi, learned counsel appearing for the

petitioners, would submit that as per the Chhattisgarh Non-Gazetted Class-III Education Service (School Level Service) Recruitment and Promotion Rules, 2008, for the post of Head Master only B.Ed. and D.Ed. qualification is required, whereas BTI has been additionally included in the advertisement which is contrary to law, therefore, the petitioners could not fill the form for examination.

4. Mr. Ravi Kumar Bhagat, learned State counsel, would oppose the writ petition and submit that the advertisement was issued on 8-10-2010 and last date for submitting the application form was 18-10-2010, whereas the petitioners had filed the writ petition on 26-10-2010 and the examination had already taken place on 29-10-2010 and moreover, there is no interim order in this writ petition and even the petitioners were not holding any of the required qualifications i.e. B.Ed. and D.Ed. or BTI and therefore they are not eligible to question the advertisement and as such, the writ petition deserves to be dismissed.
5. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also went through the record with utmost circumspection.
6. It is not in dispute that advertisement Annexure P-1 for recruitment on the post of Head Master was issued on 8-10-2010 requiring the qualifications that candidate must pass higher secondary school examination and must possess degree of B.Ed./D.Ed./BTI and must have experience of seven years on the post of Shiksha Karmi. 18-10-2010 was the last date for submitting the application form and 29-10-2010 was the date of examination. Admittedly, the petitioners were not having any of the qualifications of B.Ed., D.Ed. and BTI, but they were only having the qualification of B.P.Ed. i.e. Bachelor in Physical

Education, as such, they were not qualified as per the advertisement for the post of Head Master and also the petitioners have filed writ petition after the last date of filling up the application form has expired on 18-10-2010 and the examination had already taken place on 29-10-2010. Moreover, further proceeding of recruitment has not been questioned by the petitioners by amending the writ petition, if any. As such, since the petitioners were not qualified for the said post and have filed the writ petition with some delay and the recruitment process by now must have been completed, I do not consider it a fit case to entertain this writ petition. Accordingly, the writ petition is dismissed leaving the parties to bear their own cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma