

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2039 of 2021**

1. Krishna Kumar Daharia S/o Shri Jaglal Daharia Aged About 29 Years
Caste- Satnami R/o Village Akolajmora, Tahsil- Dabhra District- Janjgir-
Champa, Chhattisgarh ---- Petitioner

Versus

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

---- Respondents

For Petitioner	:	Ms. Prakritee Jain, Advocate.
For State	:	Shri Rahul Jha, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.06.2021**

1. Aggrieved of the action on the part of the respondents declaring the petitioner disqualified for appointment to the post of Teacher English, the present writ petition has been filed.
2. The facts of the present case are that the respondents have issued an advertisement on 09.03.2019 for filling up of 14580 post of teachers. The petitioner had also applied for the said post and had participated in the recruitment process and was also successful in clearing all the exams. The result was declared on 21.11.2019. The validity of the said result as per the regulation would have been for one year, however because of the effect of the Covid-19 pandemic, the department could not conclude the recruitment process, thereby vide order dated

01.09.2020, the respondents extended the validity period of the result for another year. Meanwhile, when the candidates' documents were scrutinized for appointment, it was found that the petitioner had cleared the CTET exam only on 27.12.2019 and therefore, the respondents held the petitioner to be disqualified, as on the date of result the petitioner was not having the required CTET qualification.

3. The arguments on behalf of the counsel for the petitioner is that since the respondents/State has vide order dated 01.09.2020 extended the validity period of the result for another year and in between the petitioner having required the qualification of CTET, the petitioner also should get the benefit of the extension of the validity period and petitioner should be held qualified for the said post.
4. The contention of the petitioner would not be sustainable for the reason that as per the requirement of law, a candidate should have all the requisite qualification either on date when the advertisement is issued or by the date the last date of filing up of the forms or atleast by the time, the results are declared. In the instant case, the department has taken the date of declaration of the result to be the cut-off date for the purpose of determining the eligibility of a candidate.
5. Admittedly, on the date of the result i.e. on 21.11.2019, the petitioner had not cleared the CTET exam and thus he was not qualified on the date the result was declared for the post against which he has applied. The extension of the validity period of the result is only to the extent of ensuring that the candidates who have been found meritorius their candidature should not get lapsed automatically by efflux of time where

under the regulations, the validity is only for a period of one year.

6. Taking the aforesaid fact into consideration, the Government had vide order dated 19.02.2020 extended the validity period of the result so that the respondent/State would proceed further with the recruitment and conclude the same. The validity of the result vide Annexure P/6 dated 01.09.2020 does not mean nor can it be inferred that it relaxes the other conditions attached to the advertisement particularly that of attaining the required eligibility criteria at a later stage, unless there is a specific order by the respondents in this regard. The petitioner has not been able to show any document in which the Government has relaxed the cut off date so far as obtaining the documents pertaining to their qualification. In the absence of which, all that which needs to be considered is whether on the date when the result was published, the petitioner did clear the CTET or not. Admittedly, the petitioner had cleared the same only on 27.12.2019 and the result was declared on 21.11.2019 which shows that the petitioner has obtained the qualification after the result was declared.
7. Thus, for the aforesaid reasons, this Court does not find any strong case warranting interference with declaration of the petitioner as disqualified, the writ petition thus being devoid of merits deserves to be, is accordingly stands rejected.

Sd/-

P. Sam Koshy
Judge