

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2189 of 2021

1. Sheetal Kurre, W/o Shri Sanjay Kumar Jolhe, Aged About 41 Years R/o Anand Nagar, Vatsalya Bhawan, Near Balaji Temple, Raipur, Police Station -Telibandha, Tahsil and District - Raipur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh, Through Its Secretary, Department of School Education, Mahanadi Bhawan, Mantralay, Police Station and Post - Rakhi, Atal Nagar, New Raipur, District - Raipur Chhattisgarh Chhattisgarh.
2. Director Public Instructions Department (Lok Shikshan Sanchalanalaya) Indravati Bhawan, Police Station and Post - Rakhi, Atal Nagar, New Raipur, District - Raipur Chhattisgarh.
3. District Education Officer (D E O), Office of District Education Officer, Raipur, District Raipur Chhattisgarh.

---Respondents

Writ Petition (S) No. 2715 of 2021

1. Rupendra Kumar Jaiswal S/o Ram Dayal Jaiswal Aged About 32 Years R/o 171 Jongra Janjgir Champa Masniakala, District Janjgir Champa Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. The Director of Public Education Directorate Raipur District Raipur Chhattisgarh.

---Respondents

Writ Petition (S) No. 3611 of 2021

1. Sarika Shrivastva W/o Kamal Kumar Shrivastva Aged About 45 Years R/o L I G/157 First Floor R. P. Nagar, HUDCO Colony Korba, District Korba Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. The Director of Public Education Directorate Raipur District Raipur Chhattisgarh.

---Respondents

Writ Petition (S) No. 4445 of 2021

1. Sapna Devi Singh D/o Prabodh Singh Aged About 37 Years R/o Veena Niwas Plot No. 14, Chandra Nagar, Umarpoti, P.O. Purai District Durg Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Director Public Instruction, Indrawati Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
3. Commissioner Public Instructions, Indrawati Bhawan, Atal Nagar, Raipur District Raipur Chhattisgarh
4. Joint Director Education Department, Bilaspur District Bilaspur Chhattisgarh

---Respondents

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Writ Petition (S) No. 4512 of 2021

1. Pankaj Kumar Tiwari S/o Chandradev Tiwari Aged About 29 Years R/o 147, Brahamnpara, Kamalpur, Gudar, Tahsil Wadraf Nagar, District Balrampur Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, P.O. and P. S. Rakhi, Atal Nagar Nawa Raipur District Raipur Chhattisgarh.
2. Director Directorate of Public Instruction Raipur District Raipur, Chhattisgarh.
3. Divisional Joint Director Education Divisional Durg District Durg Chhattisgarh
4. District Education Officer Kabirdham Office of District Education Officer Kabirdham Chhattisgarh

---Respondents

For Petitioners	:	Shri Abhishek Pandey, Shri Akhilesh Kumar, Shri Purnendra Khichariya and Shri Ishan Verma, Advocates.
For State	:	Shri Amrito Das, Addl. Advocate General and Ms. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27.08.2021

1. The dispute in these writ petitions and the relief sought for being common, all these Petitions are being disposed of by this common order.
2. All the petitioners herein had applied for recruitment to the post of Teacher and Assistant Teacher in different subjects. The petitioners after due participation in the selection process and also being found meritorious were subjected to document verification. During the course of document verification, it was found that the TET certificate that the petitioners have a

validity of only seven years and the validity period of seven years period in all the cases having lapsed, the petitioners were found disqualified and orders in this regard was passed.

3. Pending the proceedings, the counsel for the parties have been able to produce on record an order passed by the National Council for Teacher Education (in short, NCTE) dated 09.06.2021 whereby the NCTE has ordered for accepting the validity of the TET certificate once issued shall now have its validity for lifetime instead of a specific period of time. The NCTE has granted the benefit of the extension of the validity for lifetime from a retrospective date as such by implication all the TET certificates which the petitioners possess automatically becomes valid.
4. Pursuant to the order passed by the NCTE, the Government of Chhattisgarh also has taken a decision vide order dated 26.06.2021 wherein they have also followed the orders passed by the NCTE and have decided to accept the validity of the TET certificates to be valid for lifetime.
5. In view of the aforesaid two decisions taken by the NCTE at the first instance on 09.06.2021 followed by the decision of the Govt. of Chhattisgarh on 26.06.2021, the decision of the respondents in treating all the petitioners to be disqualified needs to be reconsidered as the ground on which they have been disqualified does not exist any further.
6. During the course of hearing it has been reflected that the recruitment process has not been finalized. The process is still undergoing. In a few subjects the orders of appointment have been issue however for the remaining subjects, the orders of appointment is yet to be issued.
7. Given the said facts, the respondent authorities are directed to consider the case of each of the petitioners from the stage they were found disqualified and subject to their fulfilling other eligibility criteria, their claim for appointment be considered and appropriate orders be issued at the

earliest along with the subsequent list which has to be published by the respondents.

8. With the aforesaid observations and directions, all the writ petitions stand allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder