

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2731 of 2021**

Shailesh Kumar Sahu S/o Khemlal, Aged About 39 Years, R/o 122/ B,
Manpasar, Balodabazar, District Balodabazar Bhatapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh
2. Director, Directorate, Public Instructions, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur, Chhattisgarh
3. District Education Officer, Raigarh, District Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****22.06.2021**

1. The present writ petition has been filed aggrieved of the action on the part of the respondents in disqualifying the candidature of the petitioner for the post of Assistant Teacher (Science). The disqualification has been on account of the petitioner's failing to produce certificate establishing the fact that he was an ex-serviceman.
2. Counsel for the petitioner heavily relied upon Annexure P-3 which is a No Objection certificate issued by the Commandant, Central Ordance

Depot, Chheoki (Allahabad). Counsel for the petitioner submits that this no objection certificate was submitted by the petitioner along with the application and this has to be treated as a certificate showing the petitioner to be an ex-serviceman.

3. Learned State counsel, on instruction, submits that the petitioner as late as on 18.03.2021 also upon being called by the authorities to declare that he is an ex-serviceman has stated in his application that from 10.03.2003 till date he is in service and only thereafter the order of disqualification was filed on 22.03.2021.
4. A perusal of Annexure P-3 which is relied upon by the petitioner would show that the said certificate was issued to a soldier while in service. The wordings of Annexure P-3 would show that the department does not have an objection in case the soldier applies for civil employment while in service. The said certificate does not in any manner show that the petitioner's status to be an ex-serviceman neither is there any document submitted by the petitioner to the department certifying that he is an ex-serviceman. In the absence of which if the department has in terms of the conditions to the advertisement disqualified the candidature of the petitioner, the same cannot be said to be either arbitrary or malafide. The petitioner would not get a chance subsequently to improve upon his claim for being considered under the ex-serviceman quota. The certificate of his being an ex-serviceman ought to have been obtained and enclosed along with the application itself or at least when it was sought by the department on 18.03.2021 on which date the petitioner also could not furnish the same.
5. For all the aforesaid reasons, this Court does not find any strong case

made out by the petitioner calling for an interference with the impugned order. The writ petition deserves to be and accordingly stands rejected.

**Sd/-
P. Sam Koshy
Judge**