

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 3221 of 2021**

Keshari Swarnakar W/o Shri Nagendra Swarnakar, Aged About 31 Years, R/o 27 Kholi, Vikash Nagar, Mangala, Bilaspur, District – Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through – Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Director, Directorate Public Instruction, Raipur, District - Raipur Chhattisgarh
3. Advisor, Chhattisgarh Professional Examination Board, Atal Nagar, Raipur, District – Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ashok Kumar Swarnakar, Advocate
For State	:	Mr. Amrito Das, Addl. Advocate General
For Respondent no.3	:	Dr. Saurabh Kumar Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****14.07.2021**

1. Aggrieved by the action on the part of the respondents in not considering the claim of the petitioner for the post of Lecturer (Physics), the present writ petition has been filed.
2. According to the petitioner, she had applied for the said post under OBC category and that she had the certificate of OBC category issued from the State of Odisha. However, when the verification of documents was being done, it was found that she does not have a

valid certificate issued from the competent authority from the State of Chhattisgarh in respect of her caste status on account of which her candidature was rejected.

3. Learned counsel for the petitioner submits that immediately thereafter the petitioner had prayed that she be considered at least under unreserved category and if she fulfills all other eligibility criteria and is found meritorious in the said category, she may be considered. He submits that the authorities have also made an endorsement on the request of the petitioner for examining the matter. In addition, the petitioner has also made an application in this regard to the authorities concerned.
4. At this juncture, learned Additional Advocate General submits that the entire recruitment process has all completed and appointment orders have also been issued. Nonetheless, if the petitioner in the course of examining her marks and merits is found to have scored more than the last person who has been appointed under unreserved category, the claim of the petitioner can be considered.
5. Given the said facts, the writ petition at this juncture stands disposed of directing the respondent no.2 to take an appropriate decision on the application of the petitioner and the petitioner be duly intimated of the outcome of the said decision which the respondent no.2 shall be taking. Let a decision in this regard be taken at the earliest preferably within a period of 45 days from the date of receipt of copy of this order.

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