

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3212 of 2021**

Sushma Dhurway D/o Late Bishram Dhurway Aged About 36 Years R/o Gandhi Chowk, Jaiswal Gali H. No. 54, Ward No. 04, Korba District Korba Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road, Raipur District Raipur Chhattisgarh
3. Controller Of Examination Chhattisgarh Public Service Commission, Shankar Nagar Road, Raipur District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate
For State	:	Mr. Amrito Das, Additional A.G.
For Respondents No.2 & 3	:	Mr. Anand Mohan Tiwari, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****25/06/2021**

1. The present writ petition has been filed against the action on the part of the respondents- Chhattisgarh Public Service Commission (CG PSC), whereby the candidature of the petitioner has been refused on account of the petitioner not having proper caste certificate issued from the competent authority under the Government of Chhattisgarh.
2. The facts in brief is that the petitioner had applied for the post of Assistant Professor in Chemistry subject in the advertisement dated 18.01.2019 issued by the CG PSC. Out of the total 1384 posts advertised 150 posts were of Assistant Professor (Chemistry). Out of

these 150, 79 posts were reserved for scheduled tribe (ST) category candidate.

3. According to the petitioner, she belongs to the ST category and had applied under the said category. According to the petitioner, she had a temporary caste certificate that was issued by the Tehsildar, District Korba as early as on 25.07.1997 under the erstwhile State of Madhya Pradesh. It is also the contention of the petitioner that she has been availing the benefits under the said category all along on the basis of the said certificate that was issued in the year 1997. It is the further contention of the petitioner that having participated in the recruitment process, she was declared meritorious and was called upon for document verification and counseling. However, at the time of document verification, her candidature was refused on the ground that she does not have proper certificates issued by a competent authority under the State of Chhattisgarh. According to the petitioner, since she had a valid certificate issued from the office of the Tehsildar, her candidature should not have been refused only for the reason that it was not a certificate issued by a competent officer under the State of Chhattisgarh, It was the further contention of the petitioner that in fact the respondents should not have insisted for production for a caste certificate and if at all if they wanted they could have still granted time to the petitioner even after the counseling. It was also the prayer of the petitioner that let the petitioner be interviewed/subjected to counseling and she should have granted time to produce the certificate meanwhile.

4. The counsel for the petitioner relied upon the judgment rendered by the Hon'ble Supreme Court in the case of **“Ram Kumar Gijroya v. Delhi Subordinate Service Selection Board & Another” (2016) 4 SCC 754**. According to the petitioner, once when she had this certificate issued in her favour in 1997, there was no necessity for her to have obtained another certificate and prayed for a suitable direction to the respondents to permit the petitioner to participate in the interview to be held on 26.06.2021.
5. Per contra, the learned counsel on advance copy appearing for the CG PSC submitted that it is a case where the advertisement in the instant case was issued on 18.01.2019. At the time of issuance of the advertisement itself, the petitioner was well aware of the conditions attached to the advertisement and wherein it was specifically mentioned that all relevant records and documents must be in possession of the petitioner. It was the further contention of the respondents' counsel that vide order dated 04.06.2021, the petitioner was issued a schedule showing the dates on which they will be required to appear before the authorities for document verification and for interview. So far as the petitioner is concerned, she was required to appear for document verification on 21.06.2021 and for interview to be held on 22.06.2021. It was the further contention of the learned counsel for the PSC that in the said call letter itself, it was specifically mentioned as regards the various documents, which would be required for the purpose of document verification. In the said call letter, it was emphatically made known that so far as caste certificates are concerned, they have to be issued by a competent authority from the

State of Chhattisgarh and in case if the certificate is one, which was issued under the erstwhile State of Madhya Pradesh, the said certificate got to be revalidated by an officer from the State of Chhattisgarh and it was also clearly mentioned in the call letter that these documents would have to be mandatorily brought by the candidates. Given the said facts, the counsel for the PSC submitted that since the petitioner failed to produce the relevant document, her candidature has been refused, which therefore cannot be said to be either bad in law or arbitrary in any manner.

6. It was lastly contended by the learned counsel for the PSC that the petitioner herself at a subsequent date moved an application before the PSC seeking for extension of time to produce the proper caste certificate and she sought extension up till 25th of June and the PSC accordingly acceded to the request made by the petitioner and accordingly fixed the date of interview on the 26th of June, yet the petitioner could not produce the document, therefore there is nothing that the PSC could have done more for the petitioner.
7. Having heard the contentions put forth on either side and on perusal of record, taking note of the aforesaid facts and circumstances of the case, the admitted factual matrix as it stands is that the petitioner had applied for the said post of Assistant Professor (Chemistry) from the advertisement that was issued on 18.01.2019 and which was published on 23.01.2019. This by itself would make things clear that the petitioner had well over 2½ years time with her so as to obtain the necessary permanent caste certificate from a competent authority

under the State of Chhattisgarh. If we look into the conditions attached to the advertisement and also the conditions that were referred to by the counsel for the respondents in the call letter, it would clearly reflect that it was well within the notice of the petitioner so far as the requirement of the relevant documents at the time of document verification and interview. From the pleadings and the submissions that the petitioner has made it appears that there has been no serious efforts made by the petitioner after the advertisement was published for obtaining the certificate from the competent authority there is also no serious efforts reflected from the pleadings of the petitioner having made even after the call letter was issued. Nor has the petitioner challenged the conditions to the advertisement as also in the call letter, whereby it was specifically mentioned that relevant documents was mandatorily required at the time of document verification and interview.

8. Another facts, which needs consideration is that the petitioner herself had sought for an extension of the date of interview and document verification from 21.05.2021 till 25.05.2021 within which she could produce the document. However, inspite of this the petitioner could not produce the document, so far as her caste status from a competent authority in the State of Chhattisgarh is concerned.
9. Another fact, which needs to be considered is that the PSC acceded to the petitioner's request and postponed the interview of the petitioner till 26.06.2021. It is thereafter that the petitioner thought of preferring this writ petition and obtaining relief from this Court. It is also pertinent to note that in the event if the condition of producing the valid caste

certificate issued from a competent authority under the State of Chhattisgarh is to be waived, it cannot be waived only so far as the petitioner is concerned.

10. Under the given factual backdrop, the relief in isolation to the petitioner alone cannot be extended, which would be hitting the very basis of Article 14 whereby many similarly placed persons who might have got disqualified or refused on this ground would be deprived of such a benefit. As regards the judgment referred to by the counsel for the petitioner, the issue involved in the said case was under an entirely different factual backdrop, which cannot be applied to the facts of the present case and under the Rules, Regulations and Guidelines applicable in the State of Chhattisgarh in a straight jacket formula and accordingly, the said judgment of the Hon'ble Supreme Court is distinguishable on its facts alone.
11. For the aforesaid reasons, this Court does not find any strong case made out by the petitioner calling for an interference or calling for an issuance of an appropriate writ to the respondents.
12. The writ petition thus sans merit and deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved