

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3685 of 2021

Pramod Kumar Dhurwe S/o Shri Taman Lal Dhurwe Aged About 35 Years
R/o Ward No. 13 Sanjay Nagar Dondi Lohara, District Balod Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Principal Secretary Department Of School Education Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh
2. Director Directorate Of Public Instruction, Indrawati Bhawan, Block C 1st Floor, Atal Nagar, Nawa Raipur, Raipur Chhattisgarh
3. Joint Director Directorate Of Public Instruction, Indrawati Bhawan, Block C, 1st Floor, Atal Nagar Nawa Raipur, Raipur Chhattisgarh
4. Suman Rathore Appointed As Lecturer Physics At Govt. Higher Secondary School, Kurma, Block Baloda, District Janjgir Chhattisgarh
5. Vani Vilas Dewangan Appointed As Lecturer Physics At Govt. Higher Secondary School, Tatekasa, Block Ambagarh District Rajnandgaon Chhattisgarh
6. Vivek Kumar Rathore Appointed As Lecturer Physics At Govt. Higher Secondary School, Patrapali, Block Raigarh, District Raigarh Chhattisgarh
7. Richa Kumari Appointed As Lecturer Physics At Govt. Higher Secondary School, Korbi Chotiya, Block Podi Uroda, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate.
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For State	:	Mr. Amrito Das, Addl. AG
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Hon'ble Shri Justice P. Sam Koshy
Order on Board

19/07/2021

1. The present writ petition has been filed questioning the action on the part of the respondents in rejecting the candidature of the petitioner for not having the valid B.Ed degree as on 30.09.2019 i.e. the date when the results were declared by the Chhattisgarh Professional Examination Board (In Short 'CPEB'). The challenge also in the present writ petition is to the action on the part of the respondents in issuing the order of appointment in favour of the respondent no.4 to 7 who according to the petitioner are identically placed as that of the petitioner and they were also not qualified on the date when the results were published by CPEB on 30.09.2019.
2. The advertisement in the subject matter was issued on 09.03.2019 for filling up of the various posts of Lecturer, Teachers, Assistant Teachers and Lab Assistants. The petitioner so also the respondent no.4 to 7 had applied for the post of lecturer for the same subject Physics. The petitioner so also the respondent no.4 to 7 were permitted to participate in the recruitment process. The petitioner and private respondents were also declared successful and meritorious. However, in the course of the document verification, it was found that petitioner had not obtained B.Ed degree as on date the results were published by CPEB i.e. on 30.09.2019. The petitioner in the instant case had cleared the B.Ed course only in October, 2020 that is much after the results were published. The petitioner though is not aware of the date on which the private respondents have cleared their B.Ed course but he alleges that they have also obtained the said qualification much after the results were published. In spite of this, the private respondents have been considered for further recruitment process and appointment orders have also been issued in their favour.

3. From the aforegiven factual matrix of the case, admittedly on the date when the results were published i.e. 30.09.2019 the petitioner was not qualified for the post of Lecturer(Physics) for which he had applied. The advertisement specifically had given the cut off date for attaining the qualification to be the date on which the results were to be published, which in the instant case is 30.09.2019 and petitioner had cleared it after more than a year, the results were published. Thus, the petitioner admittedly was not qualified for the said post in terms of the advertisement on the date when the results were published and therefore the rejection of the candidature of the petitioner cannot be said to be either contrary to the rules or contrary to the advertisement.
4. The contention of the petitioner that the validity of the results was extended by one year by the State Authorities is not going to help the petitioner for the reason that extension of time given on the validity of the results would not mean that obtaining minimum eligibility criteria with the cut off date in the advertisement also stands extended. The extension of the validity of the result is for the purpose of issuance of appointment orders and that too has been done under the compelling circumstances which has arisen because of the COVID-19 Pandemic or else the results would have got lapsed and the entire exercise would have to be redone once again. Therefore, the petitioner would not get any advantage from the same.
5. Coming to the next objection that petitioner has as regards the respondent no.4 to 7 being identically placed like that the petitioner, this Court at this juncture can only dispose of the writ petition with an observation and direction to the respondent no.2 & 3 to look into this aspect and subject to verification of facts whether the respondent no.4 to 7 were qualified on the

date when the results were published i.e. on 30.09.2019 or not, appropriate decision in accordance with the recruitment rules be taken at the earliest.

6. There is yet another submission by the counsel for the petitioner that there have already been certain appointments made by the respondents even before the publication of the results. It is not very clear whether those appointments have been pursuant to the very same advertisement or not? Hence said objection of the petitioner is not being dealt with by this Court at this juncture. Reserving the right of the petitioner to question the same by way of an altogether fresh writ petition, if he so intends.
7. With the aforesaid observation, the writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

Rohit