

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 4472 of 2021**

Ashwani Kumar Ratre S/o Late Prahallad Ratre Aged About 30 Years R/o Ward No.21 Jarhabhata Bilaspur District Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Secretary School Education Department Ministry, Mahanadi Bhawan, Post Office And Police Station Rakhi, Naya Raipur, District Raipur Chhattisgarh.
2. Director Directorate Of Public Instruction Raipur, District Raipur (C G) State Of Chhattisgarh
3. Divisional Joint Director, Education Division Bastar, District Bastar Chhattisgarh

----Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate
For State	:	Mr. Ashish Tiwari, Govt. Advocate along with Mr. Suyash Dhar, Panel Lawyer and Mr. Hariom Rai, Panel Lawyer
For Intervenor	:	Mr. Chandradeep Prasad, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/12/2021**

1. The present writ petition has been filed primarily seeking quashment of Annexure P/1 dated 23.01.2021 issued by the Divisional Joint Director, Education Division Bastar. Vide the said impugned order the petitioner was declared ineligible for appointment to the post of Teacher (direct recruitment).
2. The reason assigned for declaring the petitioner ineligible was that he has obtained the eligibility criteria of clearing the CTET exams only on 27.07.2019 i.e. much after the results of the examination for which the petitioner had applied was declared on 20.11.2019.

3. This Court on 09.09.2021 had passed an interim order staying the further process of the said recruitment taking into consideration the fact that the statement was made by the counsel for the petitioner, as regards many similarly placed candidates like that of the petitioner were being considered and granted appointment at different places.
4. The State counsel had thereafter filed an application (I.A. No.8) seeking modification of the order dated 09.09.2021 and have also moved an application for vacating stay along with the reply to the writ petition. The State counsel has specifically taken that due to inadvertence a couple of persons similarly placed were granted appointment. However, subsequently vide Annexure R/2 and R/3 dated 08.09.2021 and 04.09.2021 specific orders have been issued for cancellation of all such appointments of candidates who have cleared the CTET exams subsequent to 20.11.2019.
5. Learned State counsel also drew the attention of the circular issued by the State Government Annexure R/1 dated 13.09.2021, whereby specific instructions have been issued at all district level to ensure that no candidates who have cleared the CTET exams beyond 20.11.2019 is considered for appointment and in case any appointments have been issued appropriate steps to be taken for canceling the same immediately and appropriate action in this regard has also been undertaken by the State Government at district level also.
6. The State counsel now contends that admittedly on the date when the advertisement was issued as also when the results for the

examination conducted for the said recruitment was published by the State Government, the petitioner did not have the requisite qualification/eligibility criteria. The State counsel further submitted that in the instant case the petitioner has not even appeared in the TET examination when the results were published by the State Government on 20.11.2019.

7. The State counsel drew the attention of the Court to Annexure P/7 wherein the examinations were said to have been conducted on 08.12.2019 i.e. much after the results were published by the respondents on 20.11.2019 and the results of the said TET was declared on 27.12.2019. Thus, admittedly on the date when the advertisement as also when the results of the said recruitments were published on 20.11.2019, the petitioner did not have the requisite eligibility criteria. As regards the grounds on which this Court had entertained the writ petition of other similarly placed candidates being considered and granted appointment, the same no longer exists any more taking into consideration the order of the State Government Annexure R/1 and also the Annexures R/2 & R/3 dated 08.09.2021 & 04.09.2021 canceling the appointment orders issued in similarly placed situation on the ground of they having cleared the CTET examination subsequent to 20.11.2019.
8. This Court therefore now is of the firm view that the petitioner in the instant case has not been able to make out a strong case by which a writ of mandamus could be issued to the respondent authorities for reconsidering the decision Annexure P/1 dated 23.01.2021 or for that

matter issuance of a mandamus directing the petitioner to be considered for appointment to the post of Teacher (E-Cadre).

9. The decision of this Court stands fortified by the order passed by this Court in a bunch of writ petitions i.e. WPS Nos. 5302/2021, 2039/2021, 4656/2020 & 4864/2021.
10. For all the aforesaid reasons this Court is of the opinion that the petitioner deserves to be and is accordingly rejected. As a consequence, the interim order granted by this Court on 09.09.2021 also stands vacated.
11. The writ petition accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved