

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4791 of 2021

1. Tilottma Nayak W/o Shri Varun Patel Aged About 29 Years R/o Quarter No. 119/2, Tarekela Dongripali, Block Baramkela, Police Station Dongripali, Tahsil Baramkela, District Raigarh Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Public Instruction Department Indrawati Bhawan P.S. Police Station And Post Rakhi, Atal Nagar, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. District Education Officer (D.E.O.) Office Of District Education Officer, Bemetara District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---Respondents

For Petitioner	:	Shri Abhishek Pandey, along with
		Ms. Laxmeen Kashyap, Advocates.
For State	:	Shri Ayaz Naved, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.09.2021

1. The petitioner herein had applied for recruitment to the post of Assistant Teacher (E-cadre) Science. The petitioner after due participation in the selection process and also being found meritorious was subjected to document verification. During the course of document verification, it was found that the TET certificate that the petitioner has a validity of only seven years and the validity period of seven years period in the case having lapsed, the petitioner was found disqualified and order in this regard was passed.

2. Pending the proceedings, the counsel for the parties have been able to produce on record an order passed by the National Council for Teacher Education (in short, NCTE) dated 29.09.2020 whereby the NCTE has ordered for accepting the validity of the TET certificate once issued shall now have its validity for lifetime instead of a specific period of time. The NCTE has granted the benefit of the extension of the validity for lifetime from a retrospective date as such by implication all the TET certificates which the petitioners possess automatically becomes valid.
3. Pursuant to the order passed by the NCTE, the Government of Chhattisgarh also has taken a decision vide order dated 26.06.2021 wherein they have also followed the orders passed by the NCTE and have decided to accept the validity of the TET certificates to be valid for lifetime.
4. In view of the aforesaid two decisions taken by the NCTE at the first instance on 29.09.2020 followed by the decision of the Govt. of Chhattisgarh on 26.06.2021, the decision of the respondents in treating all the petitioners to be disqualified needs to be reconsidered as the ground on which they have been disqualified does not exist any further.
5. During the course of hearing it has been reflected that the recruitment process has not been finalized. The process is still undergoing. In a few subjects the orders of appointment have been issue however for the remaining subjects, the order of appointment is yet to be issued.

6. Given the said facts, the respondent authorities are directed to consider the case of the petitioner from the stage he was found disqualified and subject to his fulfilling other eligibility criteria, his claim for appointment be considered and appropriate orders be issued at the earliest along with the subsequent list which has to be published by the respondents.
7. With the aforesaid observations and directions, all the writ petitions stand allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge