

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4331 of 2020**

Mamta Patel D/o Shri S. R. Patel, Aged About 25 Years, R/o Village Latesara, Tahsil Dabhra, District Janjgir Champa, Chhattisgarh
 Current Address: House No. 24, Sarayu Vihar Near Loyola School (Bahatarai Road), Lingiyadih, Tahsil And District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary School Education Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. The Director, Directorate, Public Instruction, Indravati Bhawan, New Mantralaya, Atal Nagar Nawa Raipur, District Raipur, Chhattisgarh.
3. The Collector As President Of Direction Management Committee, Government Utkrishta (English Medium) Higher Secondary School No. 1, Janjgir, District Janjgir Champa, Chhattisgarh.
4. The District Education Officer, District Janjgir Champa, Chhattisgarh
5. The Chief Executive Officer, Zila Panchayat, As President Of Selection Committee, Government Utkrishta (English Medium) Higher Secondary School No. 01, District Janjgir Champa, Chhattisgarh

---- Respondents

For Petitioner	:	None
For State	:	Mr. Ayaz Naved, Govt. Advocate
For Intervenor	:	Mr. C. Jayant K. Rao, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.09.2021**

1. The present writ petition has been filed seeking for the following reliefs:

- i. This Hon'ble Court may kindly be pleased to issue an appropriate writ and direct the respondent authorities to quash the impugned order and short-list dated 08.10.2020(Annexure P-1 colly) passed by respondents 3 & 5, in the interest of justice.
 - ii. This Hon'ble Court may kindly be pleased to issue a writ of mandamus and direct the respondents to prepare a fresh list as per the rules prescribed in corrigendum dated 18.09.2020, in the interest of justice.
 - iii. This Hon'ble Court may kindly be pleased to pass appropriate writ and direct the respondents to place the name of petitioner at the top of their short-listed list, for the personal interview.
2. The grievance of petitioner in the present writ petition was in respect of the awarding of marks to the petitioner. The contention of petitioner is that the respondents, for the purpose of preparing final score chart, have taken the degree of B.E. for awarding marks which according to the petitioner, the respondents ought to have considered her qualification of PGDCA for awarding marks. According to petitioner, if the respondents had taken into consideration the qualification of PGDCA for awarding marks, her merit position would have improved and thereby she could have been considered for appointment to the post of Computer Teacher.
3. This Court vide interim order dated 27.10.2020 had directed the respondent authorities to subject the petitioner to interview and had also restrained the respondents from finalizing the post of Computer Teacher until further orders by this Court.
4. Today, Shri Ayaz Naved, Govt. Advocate appearing for the State submits that pursuant to the interim order granted by this Court the petitioner has been subjected to interview and the revised score chart

has been prepared and it has been found that the petitioner's position in the merit list stands at serial No. 11 thereby she is not entitled to be appointed to the post of Computer Teacher as of now. The contention of the State counsel is that the score chart has been prepared on the basis of her B.E. degree. Even if the petitioner's educational qualification of PGDCA is considered for the purpose of awarding marks, even then the merit position of petitioner would get only slightly improved and her position would be 7 in stead of 11 as of now and under both the circumstances the petitioner could not become eligible for appointment to the post of Computer Teacher.

5. Given the said submissions by the counsel for respondents, this Court is of the opinion that even after the interview when the merit list would be revised, under either of the circumstances, the petitioner would not be meritorious enough to be considered for appointment to the post of Computer Teacher. The writ petition therefore stands rejected and the interim order passed by this Court on 27.10.2020 stands vacated.

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