

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 5302 OF 2021**

- Umesh Kumar, S/o Shri Sant Ram, aged about 26 years, R/o 206, Kumhar Para, Baronda Bazar, Mahasamund, District Mahasamund (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, School Education Department, Ministry, Mahanadi Bhawan, P.O. and P.S. Rakhi, Naya Raipur, District Raipur (CG)
2. Director, Directorate of Public Instructions, Raipur, District Raipur (CG)
3. Divisional Joint Director, Education Division Raipur, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. Ishan Verma, Advocate.
For Respondents	:	Ms. Akanksha Jain, Dy. Govt. Adv.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****[01/10/2021]**

1. Ignoring the defaults pointed out by the Registry of this Court in the instant case, the matter was heard finally at admission stage itself with the consent of learned Counsels appearing for the parties.
2. The present Writ Petition has been filed by Petitioner questioning the Order dated 21.1.2021 (Annexure P-1) by which the Petitioner has been declared ineligible for further participating in the recruitment process for appointment to the post of Teacher.
3. Vide impugned Order (Annexure P-1), the Petitioner has been declared ineligible on the ground that he has cleared CTET i.e. Central Teacher Eligibility Test after the results of the recruitment process were published on 20.11.2019.
4. This Court has in an identical set of facts already dismissed a Writ Petition i.e. W.P.(S) 4864/2021 on the ground that once when the Department clearly specifies that the candidates must have all the

eligibility requisite criteria on or before the date of the results of the said recruitment process are published, the candidate who acquires essential qualification thereafter would not be eligible or would be declared ineligible. In the instant case, the results were published on 20.11.2019. Petitioner has cleared his CTET exam on 27.12.2019. This, *prima facie*, establishes the fact that till the results of the recruitment were published on 20.11.2019, the Petitioner had not cleared the CTET exam and did not have the essential qualification.

5. In view of the fact that this Court has already dismissed a few Writ Petitions on identical set of facts, this Court does not find the present case also to be a strong case made out by Petitioner herein calling for an interference with the impugned Order (Annexure P-1). Moreover, the impugned Order in the instant case is one which was issued on 21.1.2021 and the present Writ Petition has been filed only on 29.9.2021 i.e. after more than 8 months and in between much substantial development has taken place and the recruitment process itself has been finalized.

6. Learned Deputy Government Advocate appearing for the State submits that the ground upon which the Petitioner is harping is that of a few candidates, who have cleared the CTET exam subsequent to the results were published, have been placed in the select-list, does not survive any further for the reason that their candidature has already been cancelled by the State Authorities after it was detected. Learned Deputy Government Advocate further submits that the State Government has now issued a Circular on 13.8.2021 whereby necessary instructions have been issued to all the Authorities to ensure that if there is any candidate who has cleared CTET or CGTET after the results of the recruitment process were published on 20.11.2019, his candidature should be cancelled and

appropriate steps have also to be taken ensuring that there is no candidate who has obtained the minimum eligibility criteria subsequent to 20.11.2019.

7. Given the said submission by learned Deputy Government Advocate and also taking note of the Circular dated 13.8.2021, the grounds raised by Petitioner otherwise in the present Writ Petition also stand answered. It is expected that the State Authorities shall ensure compliance of the said Circular in its letter and spirit and whenever it is detected, appropriate steps should be taken for canceling the candidature of those candidates who have cleared the eligibility criteria subsequent to 20.11.2019 irrespective of the course that they have cleared. If at all, if there are still certain instances where the Authorities fail to cancel the candidature of any such candidate, the right of Petitioner herein also stands reserved to approach this Court highlighting the said fact.
8. Writ Petition accordingly stands dismissed.

/sbarad/

Sd/-
(P. Sam Koshy)
Judge