

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5278 of 2021

Purnima Dhruw W/o Shri Jageshwar Aged About 25 Years R/o Village Parsadih, Janpad Panchayat Mahasamund, Police Station Tumgaon, Tahsil Mahasamund District Mahasamund Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Of School Education Department Mantralaya Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Director Public Instructions, Sanchalnaya, Indravati Bhawan, Atal Nagar Naya Raipur, District Raipur Chhattisgarh
3. Divisional Joint Director Education Division Gariyaband Gariyaband District Gariyaband Chhattisgarh
4. District Education Officer Gariyaband, District Gariyaband Chhattisgarh

---- Respondents

For Petitioner	:	Mr. A. K. Yadav, Advocate.
For State	:	Ms. Abhyunnati Singh, PL

Hon'ble Shri Justice P. Sam Koshy
Order on Board

01/10/2021

1. The present writ petition has been filed questioning the order dated 02.03.2021 by which the petitioner has been declared ineligible for further participating in the recruitment process for appointment to the post of Teacher. Vide the impugned order, the petitioner has been declared ineligible on the ground that she has cleared C-TET i.e. Central Eligibility Test after the results of the recruitment process were published on 26th December, 2020.

2. This Court in an identical set of facts has already in WPS 4864/2021 dismissed the writ petition 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 26.12.2020. The petitioner has cleared her C-TET exam in 26.02.2021. This, prima facie establishes the fact that till the results of the recruitment were published on 26.12.2020, the petitioner had not cleared C-TET exam and did not have the essential qualification.
3. 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 any strong case made out by the petitioners herein also calling for an interference with the impugned order. Moreover, the impugned order in the instant case is one which was issued on 02.03.2021 and the present writ petition has been filed only in September, 2021 i.e. after more than 5 months and in between much substantial development has taken place and the recruitment process itself has been finalized.
4. Learned Additional Advocate General appearing for the State submits that the ground which the petitioners are harping upon is that of a few candidates who have cleared C-TET 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. He further submits that the State Govt. has now issued a circular of 13th August, 2021 whereby necessary instructions have been issued to all the authorities to ensure that if there is any candidate who has cleared C-TET or CGTET after the results of the

recruitment process were published on 20.12.2020, 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 26th December, 2020.

5. Given the said submission by the Addl. Advocate General and also taking note of the circular dated 13.08.2021, the grounds raised by the petitioner otherwise in the present writ petition also stands 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 26th December, 2020 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 the petitioner herein also stands reserved to approach this Court highlighting the said fact.
6. The writ petition accordingly stands rejected

Sd/-
(P. Sam Koshy)
Judge

Rohit