

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5700 of 2021**

Ankur Diwan, S/o Shri Girish Diwan, Aged About 28 Years R/o Main Road,
Mungeli, District Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Home, Mahanadi Bhawan, Mantralaya, Police Station And Post Office - Rakhi, Atal Nagar, Raipur, District - Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through The Secretary, Shankar Nagar Road, Bhagat Singh Chowk, Raipur Chhattisgarh.
3. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur Chhattisgarh.
4. Atal Bihari Vajpayee University Bilaspur, Through The Registrar, Old High Court Campus, Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Atul Kumar Kesharwani, Advocate
For State	:	Mr. Ayaz Naved, G.A.
For Respondents No.2 &3	:	Mr. Anand Mohan Tiwari, Advocate
For Respondent No.4	:	Mr. Arjit Tiwari, Advocate on behalf of Mr. Vikram Sharma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****07/10/2021**

1. The petitioner herein is a student of LL.B. Final Year (3 Years Course).

The respondent No.2 had issued an advertisement on 01.09.2021 for recruitment to the post of Assistant District Public Prosecution Officer (ADPO).

2. The minimum eligibility criteria for candidate to participate in the recruitment process is that he should possess a Law Degree from a recognized University. The petitioner in the instant case is a final year student for doing LL.B. (3 years course).
3. The contention of the petitioner is that the examination for the said final year course is going to be conducted in the next couple of months and the petitioner thereafter upon clearing the said examination would become eligible to participate for the recruitment process and therefore the respondent authorities should protect the interest of the petitioner by permitting the petitioner also to participate in the recruitment process and their candidature should not be rejected only on the ground that they do not have the requisite eligibility criteria on the cut-off date as prescribed under the advertisement.
4. The learned counsel for the petitioner refers to a couple of advertisements, one issued by the Rajasthan High Court, the other issued by the Chhattisgarh Public Service Commission for the State Civil Services Examination, wherein similar relaxations were granted by the respondents. Therefore the counsel for the petitioner prayed that the petitioner may also be granted similar relaxation and permission to participate in the recruitment process.
5. Perusal of the advertisement would show that the advertisement was one, which was issued on 01.09.2021 and the period for applying for the said was between 08.09.2021 to 07.10.2021, which in other words means, today being the last date for submission of the Online Application.

6. Admittedly, as on the last date the petitioner has not obtained the minimum educational qualification required for being appointed as a ADPO. The recruitment rules, which is governing the field prescribes a eligibility criteria and which in the instant case is a degree in Law. The petitioner is only pursuing his degree in Law and has not obtained the degree in Law and the advertisement (Annexure P/1) is strictly inconsonance to the Rules governing the field.
7. There is no contention or pleading by the petitioner that the advertisement is contrary to the recruitment Rules governing the field. As far as this Court in exercise of its writ jurisdiction under Article 226 in the given Roster that this Court exercises, all that it can be looked into is whether the advertisement is arbitrary, bad in law or in contravention to the Rules governing the field.
8. None of these grounds are the grounds raised by the petitioner in assailing the advertisement. In the absence of such ground coupled with the fact that the advertisement being strictly inconsonance to the recruitment Rules, the prayer made for by the petitioner in the given circumstances cannot be granted by this Court exercising the extraordinary writ jurisdiction.
9. Another reason why this Court is not inclined to entertain the writ petition is the fact that the petitioner happens to be a LL.B. Final year student from 3 years course. If the prayer of the petitioner have to be acceded to, then the candidates who are pursuing the degree of Law under the 5 years course and who are in final year also would have to be placed in the same footing. There the course may not have been concluded as of now and where the examinations may still be

conducted after considerable period of time and for all these periods, the recruitment process cannot be left open or deferred permitting them to clear the examination.

10. For this reason also this Court does not find any strong case calling for an interference with the impugned advertisement in any manner at this stage.
11. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved