

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5918 of 2021**

1. Mini Garg W/o Dr. Rajesh Garg Aged About 44 Years R/o Ld- 314, 1st Floor, CHD City, Sector 45, Karnal, District Karnal Haryana Pin 132001.

---- Petitioner**Versus**

1. High Court Of Chhattisgarh Through The Registrar General High Court Premises Bodri, Bilaspur , District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner : Mr. Jai Prakash Shukla, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****28.10.2021**

1. Aggrieved by the action on the part of the respondent in declaring the petitioner disqualified from participating in District Judge (Entry Level) Exam 2020, the present writ petition has been filed. The impugned order Annexure P/1 would show that the candidature of the petitioner was rejected on the ground that the experience certificate was not issued by the Competent Authority.
2. It would be relevant at this juncture to take of the facts that the advertisement was issued on 06.01.2020. The last date for submission of application was on 27.01.2020. The advertisement very specifically mentioned that the application form must be accompanied by the testimonials as reflected in the advertisement. For ready reference, testimonials required to be accompanied by the application form are reproduced here-in-under:-

- (a) Interested candidates must submit their applications in the format available on the website i.e. www.cghighcourt.nic. in along with duly attested certificates/ testimonials relating to their date of birth, castes, qualification, domicile, experience standing

at the Bar etc.

(b) All the Prosecuting Officers/ Law Officers who are being treated as Advocates as per the judgment of the Supreme Court (in Civil Appeal No. 561 of 2013 – Deepak Agrawal vs Keshav Kaushik and Ors) shall have to produce No Objection Certificate as and when called for.

(c) The applicant shall furnish a certificate from the Registrar General/ Registrars of the High Courts /Secretary General of the Supreme Court or Principal District & Sessions Judge concerned bearing legible seal with date, month & year of its issuance regarding his/her practice as an Advocate and the certificate should be in the format annexed.

3. The aforementioned clause-(c) is relevant for the issue involved in the present writ petition. From the aforesaid clause, it is evidentially clear that all the candidates who are intending to apply, was supposed to enclose along with an application a certificate issued from the Registrar General/ Registrars of the High Courts /Secretary General of the Supreme Court or Principal District & Sessions Judge concerned bearing legible seal with date, month & year of its issuance regarding his/her practice as an Advocate and the certificate should be in the format annexed.
4. The petitioner admits the facts that the application form was not supported with a certificate issued from any of the authorities mentioned in the preceding paragraph. The certificate enclosed along with the application was that of the Bar Counsel which was not otherwise an authorized Authority, Agency or Body to issue the certificate certifying the practice as an advocate. Subsequent to the petitioner being declared ineligible, the petitioner has thereafter obtained certificate from the concerned District and Session Judge on 06.08.2021 and has thereafter approached this Court for a permission for the petitioner to participate in the further recruitment process.
5. At the outset, this Court is of the opinion that from the aforesaid admitted factual matrix itself it is evidently clear that the petitioner had not supported his application with a certificate in-terms-of the requirement as per the advertisement. Thus if the respondent-authorities have found the petitioner to be ineligible, the said action cannot be said to be either arbitrary or malafide.

6. Counsel for the petitioner relied upon a decision of this Court rendered in WP(S) No. 4195 of 2021 and also an order of the Division Bench of this Court in the same matter dated 10.09.2021.
7. On perusal of the two orders, this Court is of the opinion that the facts of the present case is quite a distinct from the facts of the said case. The issue in the said writ petition i.e. WP(S) No. 4195 of 2021 was that the candidate had enclosed a certificate duly certified by the Additional District Judge of the concerned District and the same was not accepted by the respondents. It was then that the Division Bench as also the Single Bench was of the view that the Additional Judge would include the District Judge and the Principal District Judge as the term Principal District Judge has not been defined in the Code of Civil Procedure 1908 and it was under that context that the Division Bench has permitted the said candidate to participate in the recruitment process. On the contrary in the instant case, the certificate issued and which was enclosed by the petitioner also with his application was one which was issued from the Bar Counsel, which was otherwise not a notified Body or Agency to issue the certificate required to be enclosed along with the application.
8. As regards the scope of interference by this Court at this juncture all that this Court in exercise of its writ jurisdiction scrutinizing the claim of the petitioner as to see whether the decision of the respondent in declaring the petitioner as disqualified is justifiable in-terms of the advertisement and the rules governing the field.
9. Admittedly the advertisement had a specific clause requiring candidates who furnish testimonials along with his/her application. The petitioner in the instant case has not been able to furnish a certificate as was required. The petitioner at this juncture cannot be permitted to improve upon his case by being permitted to submit a fresh certificate in-terms of the requirement under the

advertisement, particularly when there was a cut-off date given in the advertisement within which the application supported with all testimonials had to be submitted. In case on sympathetically consideration, if this Court extends the advantage to the petitioner then this Court would be doing injustice to all those other candidates who could not obtain the certificate within the stipulated time and could not apply or had applied and had got disqualified on similar set of facts. Permitting the petitioner would thus be opening of a pandora box of all similarly placed persons which otherwise may not be feasible and practical at this stage when the exam has already been scheduled to be held on 14.11.2021. This Court therefore does not find any strong case made out by the petitioner for calling for interference with the action on the part of the respondents. Thus, the present writ petition fails and is accordingly dismissed.

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