

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS NO. 5369 OF 2020**

Kalister Lopez, S/o Edward Lopez, aged about 43 years, R/o Kurud, Kailash Nagar, LIG 37, Housing Board, Bhilai, District Durg (CG)

... Petitioner

versus

1. State of Chhattisgarh, through the Secretary, Department of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur (CG)

2. The Joint Director of Public Education Directorate, Chhattisgarh, Indrawati Bhawan, Naya Raipur, Atal Nagar, District Raipur (CG)

... Respondents

For Petitioner	:	Mr. B.P. Singh, Advocate.
For Respondents/State	:	Mr. Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/02/2021

1. Challenge in the present Writ Petition is to the order dated 18.11.2020 by which the Petitioner has been declared ineligible for selection to the post of Lecturer (Maths).

2. Perusal of impugned order would reveal that the Petitioner has been declared ineligible on two counts; firstly, the disability certificate which the Petitioner has submitted was submitted by him after the results by Professional Examination Board was published on 30.9.2019 and, secondly, since the Petitioner has passed the M.Sc. with 3rd Division, he was declared ineligible.

3. At this juncture, it would be relevant to take note of the fact that so far as the first objection of the Petitioner having not submitted the disability certificate in time is concerned, even if we ignore the said fact but the fact that the Petitioner does not have the minimum eligibility criteria is one which coming in his way.

4. The advertisement and the rules governing the field as on date clearly envisage that minimum educational qualification for appointment to the post of Lecturer (Maths) is M.Sc. (Maths) with at least 2nd Division. Admittedly, the Petitioner in the instant case has cleared his M.Sc. in 3rd Division and therefore in terms of the advertisement and also in terms of the rules governing the field, he is not eligible. There does not seem to be any document placed by Petitioner

wherein the Government needs to have provided any relaxation in the minimum educational qualification required for recruitment, particularly for the disabled persons. In the absence of any relaxation granted by the State Government and also in the absence of any such provisions in the rules or for that matter in the advertisement, the action on the part of Respondents in declaring the Petitioner as an ineligible candidate cannot be held to be either bad or illegal. It is for the Government to determine whether for the people with disability any relaxation has to be given on the minimum educational qualification prescribed under the rules and the Petitioner would get liberty to approach the authorities for considering his case for relaxation in the minimum educational qualification for such rules. Given the said facts, this Court does not find any strong case made out by Petitioner at this juncture calling for an interference with the impugned order.

5. With the liberty to Petitioner to approach before the State authorities, the Writ Petition at this juncture is disposed of.

/Sharad/

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