

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 128 of 2021**

Yeeshu Chandrakar S/o Leeladhar Prasad Chandrakar, Aged About 35 Years, R/o Village- Joratarai, Post- Bhathagaon, Tah.- Gunderdehi, District- Balod, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District – Raipur, Chhattisgarh
2. The Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Nava Raipur, District- Raipur (Chhattisgarh)
3. Joint Director, Directorate Of Public Instruction, Indrawati Bhawan, Atal Nagar, Nava Raipur, District- Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Tarun Dansena, Advocate
For State	:	Mr. Avinash Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****08.02.2021**

1. The claim of the petitioner in the present writ petition is the petitioner being declared ineligible for the post of Teacher (Maths) for want of requisite eligibility criteria.
2. The facts of the case are that the petitioner had applied for the post of Teacher (Maths) for which apart from other qualifications, a candidate was required of clearing Teacher Eligibility Test (in short "TET")

conducted by the appropriate Govt with minimum 50% of marks. The petitioner in the present writ petition is a candidate of Engineering background having done his B.Ed. and had also appeared in the Central Teacher Eligibility Test (in short "CTET") in which he has scored 54% marks. The candidature of the petitioner has been declared ineligible on the ground that the petitioner does not have 60% and above marks in CTET.

3. According to the petitioner, the requirement under law is that a candidate should clear the Teacher Eligibility Test conducted by the appropriate Govt. with 50% marks and since the petitioner has scored more than 50%, he could not have been declared ineligible.
4. However, perusal of the documents enclosed along with the writ petition particularly the certificate of Central Teacher Eligibility Test would reflect that admittedly the petitioner has scored only 54% in CTET. Instruction no.5 in the said certificate itself clearly reflects that only the candidates scoring 60% and above marks will be considered as CTET qualified which in other words means that the petitioner has scored less than 60%, therefore, he cannot be considered to be CTET qualified. At the same time, the petitioner has also not cleared the State Teacher Eligibility Test for being considered eligible. There is no rule or a policy decision or a circular of the State Govt. which states that the candidates with more than 50% of marks in CTET would also be eligible for recruitment. Unless the Govt. issues any instructions, direction or provides any such relaxation or any such relaxation for the candidates belonging to any of the reserved category, it would be the eligibility criteria under the Rules and that prescribed in the advertisement, which shall be applicable and which shall govern the

field. Since the petitioner does not have the minimum eligibility criteria, this Court is of the opinion that no strong case has been made out by the petitioner calling for an interference by this Court for issuance of any such writ.

5. The writ petition thus being devoid of merits deserves to be and is accordingly dismissed.

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