CGHC010388632026 2026:CGHC:43616

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7378 of 2026

AMARDEEP CHOUBEY
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Date: 2026.10.12 10:47:50 +0530

1 - Pushpa Devi W/o Shri Narottam Lal, Aged About 37 Years R/o Village Sarotem Lal, Post Aramsahi, Tehsil Masturi, District Bilaspur (C.G.) Pin Code 495550

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of School Education Government Of Chhattisgarh Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.492002

2 - The Director, Directorate Of Public Instruction, Government Of Chhattisgarh Mahanadi Bhawan, Nava Raipur Atal Nagar, District Raipur Chhattisgarh.492002

3 - Chhattisgarh Professional Examination Board (CGVYAPAM), Through Its Controller, Vyapam Bhawan, North Block, Sector 19, Atal Nagar Naya Raipur, District Raipur (C.G.)

... Respondents

(Cause title taken from CIS)

For Petitioner	:	Shri Shalvik Tiwari, Advocate
For State	:	Shri Ghanshyam Kashyap, Dy.G.A.
For Respondent No.3	:	Ms. Akansha Singh, Advocate on behalf of Mr. Avinash Singh, Advocate

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

08.10.2026

1. By the present writ petition, the petitioner has prayed for following relief:-

> *“10.1. The Hon'ble Court may call for records from the respondents.*
>
> *10.2. The Hon'ble Court may issue an appropriate writ, order, or direction modifying the impugned Advertisement (ANNEXURE P/1) to explicitly include the provision of 5% relaxation in essential academic qualification marks for reserved categories (SC/ST/OBC/PWD).*
>
> *10.3. The Hon'ble Court may issue an appropriate writ or direction to Respondent No. 3 (CG VYAPAM) to modify its online application software/database to accommodate candidates benefiting from the 5% academic mark relaxation.*
>
> *10.4. The Hon'ble Court may direct Respondent Authorities not to reject or disqualify the Petitioner's candidature or appointment on grounds of minimum academic qualification percentage, provided she fulfills the 5% relaxed criteria.*
>
> *10.5. The Hon'ble Court may grant any other relief as this Hon'ble Court may deem fit and proper in the nature and circumstances of the present case in the interest of justice.“*

2. (a) Learned counsel for the petitioner would submit that advertisement dated 28.07.2026, issued by the Directorate of Public Instructions, Chhattisgarh, whereby the authorities have omitted to grant the mandatory relaxation in minimum educational qualifications to candidates belonging to SC/ST/OBC categories

for the post of Assistant Teacher. According to the petitioner, advertisement issued by the State authorities is illegal, erroneous and contrary to law. The authorities, while issuing the advertisement, have failed to adhere to the orders passed by this Court in WA No. 501/2022 *(Abhishek Kumar Nirmalkar v. State of Chhattisgarh and other connected appeals)* as well as provisions of the RTE Act read with the guidelines issued by the NCTE dated 29.07.2011.

(b) He would further submit that the respondent authorities have expressly included a specific "Note" that the educational qualifications shall be recognized in accordance with NCTE notifications and Court judgments. However, despite this explicit inclusion, the terms of the advertisement and the online application portal (CG Vyapam) restrict the petitioner, who belongs to a reserved category, from claiming the rightful statutory relaxation, thereby unlawfully debarring them from successfully submitting the application form.

(c) He would submit that the action on the part of the respondents is highly discriminatory and unreasonable, as the Directorate of Public Instruction itself, vide Order dated 02.09.2025, had previously recognized and formally implemented a 5% relaxation in minimum educational qualifications for similarly situated candidates of the 2019 recruitment cycle in compliance with the orders of this Court. Deliberately ignoring this established legal position and denying the exact same relief to the candidates of

the current 2026 recruitment cycle amounts to a gross violation of the petitioner's fundamental rights guaranteed under Articles 14 and 16 of the Constitution of India.

(d) He would submit that for want of the requisite modification in the advertisement and the online portal, which is not within the control of the petitioner, the petitioner is neither in a position to successfully submit the application form nor are they in a position to participate in the recruitment process for the post of Assistant Teacher. It is an admitted position that the mandate for granting the educational relaxation is settled by this Court, and the State is also aware about the said facts; therefore, the authorities have committed gross illegality in issuing the impugned advertisement and restricting the portal. He would submit that due to the arbitrary omission in the impugned advertisement and due to the lethargic attitude on the part of the authorities in failing to update the criteria in conformity with the settled law, the petitioner is suffering severe prejudice, irreparable loss, and a blatant deprivation of their fundamental right to seek public employment.

(e) Learned counsel submits that though, in the advertisement dated 28/07/2026, under the clause relating to educational qualifications, a specific remark has been made that all notifications and the law laid down by the Court shall be followed while considering the eligibility of the candidates, the law laid down by this Court in Writ Appeal No. 501/2022 and other connected matters, decided on 10.02.2023, particularly the

observation made in paragraph 51 of the said writ appeal, wherein it has been observed that the SC/ST/OBC candidates are entitled to 5% relaxation in their academic qualifications, has not been specifically mentioned the said criteria in the advertisement.

3. Learned counsel for the State submits that the petition has been filed on the assumption that the recruiting agency will not comply with the law laid down by the Court, particularly by the Division Bench of this Court in Writ Appeal No. 501/2022 and other connected matters. Whereas, by referring to the remarks clause of Clause 2, wherein the prescribed eligibility qualifications have been mentioned, it has been specifically stated that all notifications and the observations made by the Court will be complied with. Hence, the present writ petition is premature and no cause of action has arisen till date.

4. I have heard learned counsel for the parties and perused the document appended with the petition.

5. Considering the submissions made by learned counsel for the parties, the writ petition is disposed of with an observation that, since the advertisement specifically provides that the law laid down by this Court shall be followed and the notification of the N.C.T.E. dated 29th July, 2011 shall also be complied with, the recruiting agency is bound to ensure strict compliance thereof. As no cause of action has arisen to the petitioner as on date, the present writ petition is premature. However, the petitioner shall

have liberty to approach this Court, if the recruiting agency fails to follow the law laid down by this Court in Writ Appeal No.501/2022 and other connected matters, and the aforesaid notification, and a cause of action consequently arises.

SD/-

(Bibhu Datta Guru)
Judge

Amardeep