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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7678 of 2026

1. Tarun Kumar Vaishnav S/o Dilip Kumar Vaishnav, Aged About 28 Years R/o Manki Awas Yojna Number - 47, Rajnandgaon, District Rajnandgaon (C.G.)

2. Santosh Kumar Sahu, S/o Ganesh Kumar Sahu, Aged About 39 Years R/o Purana Risda Balco Nagar District Korba (C.G.)

3. Barkha Soni D/o Sanat Kumar Soni Aged About 28 Years R/o. Ward No. 69 Sundaram Vihar Colony, Dewangan Bada Raipur, District Raipur (C.G.)

4. Manish Kumar Setiya S/o Shyamlal Sethiya Aged About 32 Years R/o Village Chitalanka Kalarpara, Tehsil Dantewada, District Dantewada (C.G.)

5. Mangleshwar S/o Sushil Kumar Aged About 31 Years R/o Ward No.6, Village Sarbhoka, Block Baikunthpur, District Koria (C.G.)

6. Tejeswini Sahu D/o Madho Prasad Sahu Aged About 27 Years R/o Dal Dal Sioni Mowa, Raipur District Raipur (C.G.)

7. Namrata Sahu D/o Hiraman Sahu Aged About 28 Years R/o Goverdhan Nagar, Bhanpuri, Raipur, District Raipur (C.G.)

8. Arun Kumar Patel S/o Pitobaso Patel Aged About 26 Years R/o Village Tangar, Post Goda, Block Sarangarh District Sarangarh Bilaigarh (C.G.)

9. Sanjay Kumar S/o Ghasiya Ram Aged About 33 Years R/o Village Negurdih, Post Office Kirit, Tahsil Nawagarh, District Janjgir Champa (C.G.)

... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur (C.G.)

2. Director, Directorate Of Public Instruction Directorate Of Public Instruction, Indrwati Bhawan, Atal Nagar Naya Raipur, District Raipur (C.G.)

... Respondent(s)

For Petitioners	: Mr. V.R. Tiwari, Senior Advocate along with Mr. Govind Dewangan, Advocate
For Respondents/ State	: Mr. Y.S. Thakur, Addl. A.G. along with Ms. Apurva Nigam, P.L.

Hon'ble Shri Bibhu Datta Guru, Judge

Order on Board

27/10/2026

1. Learned counsel for the petitioners submits that the impugned advertisement dated 29.09.2026, issued by respondent No. 2 for recruitment to 1,812 contractual posts in Swami Atmanand Excellent English Medium Schools (SAGES), is illegal and arbitrary insofar as it restricts eligibility to candidates who have studied in English Medium. It is contended that neither the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2026, nor the Chhattisgarh Civil Services (Contractual Appointment) Rules, 2012, nor the NCTE Regulations prescribe any such medium-specific eligibility condition. The impugned condition is discriminatory against candidates educated in Hindi Medium, who constitute a substantial majority in the State, and violates Articles 14, 15 and 16 of the Constitution of India. Accordingly, learned counsel prays that the impugned advertisement be quashed and the respondents be directed to issue a fresh advertisement permitting eligible candidates educated in both Hindi and English Medium to participate in the recruitment process.

2. Per contra, learned State counsel opposes the petition and submits that the impugned advertisement dated 29.09.2026 has been issued in accordance with the requirements of Swami Atmanand Excellent English Medium Schools (SAGES). It is contended that the condition prescribing English Medium education is reasonable and necessary to ensure that the selected candidates are capable of imparting education effectively in English Medium. Learned State counsel further submits that Clause 8 of the impugned advertisement specifically provides that the applicant must have passed the requisite educational qualifications from Class VI to postgraduate level through English Medium, except in the case of Lecturers/Teachers of Hindi and Sanskrit, for whom the said condition is not mandatory. It is argued that the competent authority is empowered to prescribe appropriate eligibility conditions keeping in view the nature and requirements of the posts, and that the impugned condition is neither arbitrary nor discriminatory. Learned State counsel also submits that the absence of an express medium-specific classification in the Chhattisgarh School Education Services (Educational and Administrative Cadre) Recruitment and Promotion Rules, 2026, or the Chhattisgarh Civil Services (Contractual Appointment) Rules, 2012, does not, by itself, render the eligibility condition stipulated in the advertisement illegal. It is contended that the recruitment rules prescribe the requisite qualifications for appointment, whereas the impugned

advertisement specifies the eligibility conditions considered necessary for recruitment to the particular institutions, subject to their consistency with the applicable statutory rules and regulations. It is further submitted that the petitioners have failed to establish that Clause 8 is in direct conflict with any specific statutory provision or regulation governing the recruitment in question. Accordingly, learned State counsel prays for dismissal of the writ petition, being devoid of merit.

3. I have heard learned counsel for the parties and perused the records.

4. The principal question for consideration is whether the condition stipulated in Clause 8 of the impugned advertisement, requiring candidates to have passed the requisite educational qualifications from Class VI to postgraduate level through English Medium, is arbitrary, discriminatory or contrary to the applicable recruitment rules ?

5. It is an established principle of law that the employer is competent to prescribe the minimum qualifications and eligibility conditions for recruitment, keeping in view the nature and requirements of the posts, provided that such conditions are reasonable and do not contravene any statutory provision or constitutional mandate.

6. It is noteworthy to mention here that the prescription of qualifications for a particular post is a matter of recruitment policy, and the State, as an employer, is competent to determine the qualifications required for eligibility, having regard to the nature of

the post, the duties to be discharged, the requisite aptitude, and the relevance and content of the course of study. The requirement of qualifications is also a matter to be determined by the competent recruiting authority and not by the Court in the exercise of its power of judicial review. Matters relating to administrative exigencies and the requirements of public services fall within the domain of policy-making, and the scope of judicial review in such matters is limited.

7. The Hon'ble Supreme Court, in the case of ***Maharashtra Public Service Commisson Vs. Sandeep Shriram Warade and Ors. reported in (2019) 6 SCC 362*** **in Civil Appeal No. 4597 of 2019** at para 9 has held as under:-

> “9. The essential qualifications for appointment to a post are for the employer to decid decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down by an the conditions of eligibility, much less can it delve into the issue with regard b to desirable qualifications being on a par with the essential eligibility by interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language

> of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to c proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same."

8. In the present case, the recruitment in question is specifically intended for appointment to various contractual posts in Swami Atmanand Excellent English Medium Schools (SAGES). Clause 8 of the impugned advertisement expressly provides that candidates must have passed the requisite educational qualifications from Class VI to postgraduate level through English Medium, while exempting Lecturers/Teachers of Hindi and Sanskrit from this requirement. Having regard to the nature of the institutions and the medium of instruction, the requirement of English Medium education cannot, by itself, be held to be arbitrary or unreasonable, as it seeks to ensure that the candidates possess an educational background relevant to the functioning of the said institutions.

9. The contention of the petitioners that the applicable recruitment rules do not expressly prescribe any distinction between candidates educated in Hindi Medium and English Medium is also insufficient, by itself, to invalidate the impugned condition. The petitioners have not demonstrated, on the material placed before this Court, that Clause 8 is in direct conflict with any specific statutory provision prohibiting the prescription of such a condition. Further, the mere fact that a substantial number of candidates in the State have studied in Hindi Medium does not, in itself, establish a violation of Articles 14, 15 or 16 of the Constitution of India. The validity of an eligibility condition must be examined with reference to its object, reasonableness and consistency with the applicable statutory framework.

10. In view of the aforesaid legal position and having regard to the nature of the posts advertised, this Court finds no sufficient ground to interfere with the impugned advertisement dated 29.09.2026.

11. Consequently, the writ petition, being devoid of merit, is **dismissed** at the motion stage itself.

SD/-
(Bibhu Datta Guru)
JUDGE

Jyoti