
(2023) 04 CHH CK 0060
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5035 Of 20 22

Navin Kumar Kashyap

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 25-04-2023

Acts Referred:

Citation : (2023) 04 CHH CK 0060

Hon'ble Judges : Parth Prateem Sahu, J

Bench : Single Bench

Advocate : Raj Kumar Pali, Kashif Shakeel

Final Decision : Dismissed

Judgement

1. Petitioner has filed this writ petition seeking following reliefs:

"10.1 That, the Hon'ble court may kindly be pleased to allow this petition and set-aside the order dated 17.06.2022 issued by respondent no. 4 and further direct the respondent authorities to immediately issue appointment order in the name of petitioner who has selected candidate, with in stipulated time frame preferably within 15 days.

10.2 That, the Hon'ble Court may kindly be pleased to direct the respondents to pay proper compensation to the petitioner due to delay and latches of the selection process on the part of respondent authorities, the petitioner may not be made sufferer the injury.

10.3 That, any other writ, order, directions or relief which this Hon'ble Court may deem fit may kindly be passed in favour of the petitioner."

2. Facts relevant for disposal of this petition are that petitioner pursuant to the advertisement dated 09.03.2019 participated in the recruitment proceedings for appointment to the post of Assistant Teacher (Science). Written test was conducted on 05.08.2019 in which petitioner secured 50.00 marks and became successful. Based on the merit list, petitioner along with other successful

candidates were called for verification of documents on 27.05.2022 and after verification he was issued eligibility letter. When petitioner was again called for further verification of documents, the documents submitted by petitioner were objected by the respondent No. 4 on the ground that petitioner has obtained D.Ed. Degree/ certificate after passing Teachers Eligibility Test (TET) examination and has not issued order of appointment, hence, this writ petition.

3. Learned counsel for petitioner submits that petitioner is having all the requisite qualifications for appointment to the post of Assistant Teacher (Science) mentioned in the advertisement issued by the respondents. In the first round of documents verification on 27.05.2022, documents were verified by the competent authority and found them complete and arbitrarily in the second round of documents verification objections were raised. Petitioner is a selected candidate, however, Respondent No. 4 without giving any opportunity of hearing and considering the terms and conditions of the eligibility as provided in the advertisement rejected his candidature. Petitioner also submitted representation on 20.06.2022 and 07.07.2022 but the representations of petitioner were not given any heed. Rejection of candidature of petitioner is arbitrarily and in violation of principle of nature justice and therefore the writ petition be allowed.

4. Learned State counsel opposes the submissions of learned counsel for petitioner and would submit that petition is bereft of merits. Vide advertisement issued by Respondent No.2 dated 09.03.2019 minimum qualification is also prescribed. Petitioner submitted application online for the post of Assistant Teacher (Science cadre). Respondents finding the petitioner to have secured the minimum required marks in the written examination have called him for verification of documents on 27.05.2022. Respondent No. 4 after verifying the documents placed by petitioner before him raised objection that petitioner obtained D.Ed. Degree/ certificate after passing TET examination. The minimum qualification required is 50% in Higher Secondary, Diploma in Education and TET certificate. TET examination is conducted by the Chhattisgarh Professional Examination Board, Raipur and for appearing in the TET examination the candidate is required to have two-year Diploma in Education course. The relaxation provided under Clause 7 of vide notification dated 26.08.2011 issued by the State Government is only up to 31.03.2014 and that relaxation was provided for obtaining D.Ed./ B.Ed. qualification for the candidates who have passed TET examination. Petitioner has passed D.Ed. examination in the month of June, 2014 and therefore petitioner would not get any benefit of the notification issued by the State Government.

5. I have heard learned counsel for the parties and also perused the documents placed on record.

6. Undisputedly, advertisement for appointment to the post of Assistant Teacher (Science) published on 09.03.2019, petitioner became successful in the written examination and he was also issued letter for verification of documents. Petitioner had passed TET examination, in the year 2011. According to

guidelines/ instructions of Chhattisgarh Teachers Eligibility Test Examination, 2011, for appearing in the TET examination minimum qualification for teaching class 1st to 5th is prescribed as having passed Higher Secondary (or equivalent) with minimum 50% marks and two-year Diploma in Elementary Education (whatever title is given to it). From perusal of the minimum qualification required for appearing in the TET examination is that the candidate should possess the aforementioned qualification before appearing in TET examination. The relaxation provided under Clause 6 of the Guidelines/ instruction, 2011 to the candidates who passed the TET examination but do not possess the qualification of D.Ed./ B.Ed. are required to obtain the qualification within a period of two years and the said relaxation was one time relaxation up to 31.03.2014. As per the reply submitted by the Respondent-State that petitioner would not get the benefit because he has not obtained B.Ed. qualification till 31.03.2014, he would not fall within the relaxation clause provided under clause 6 of the Guidelines/ instruction.

7. Further the language used in guidelines of TET Exam, 2011, is only for the teachers who have selected during that time, to obtain B.Ed. qualification within two years, said relaxation is for the teachers who were appointed two years prior to March 2014. It is not the case of petitioner. Petitioner submitted application pursuant to advertisement issued in the year 2019. The copy of notification dated 26.08.2009 published in the Gazette of India, period to obtain minimum qualification was extended upto 5 years is for the teachers already appointed and further relaxation in qualification for appointment as teacher was only for five years.

8. In the aforementioned facts of the case, I do not find any merit in this writ petition which is liable to be and is hereby dismissed accordingly.