

(2022) 12 CHH CK 0063

In the Chhattisgarh High Court

Case No : Writ Petition (Civil) No. 5724 Of 2022

Nutan Kumar Patel

APPELLANT

Vs

Chhattisgarh Vyavasayik Pariksha Mandal (CGVYAPAM)

RESPONDENT

Date of Decision : 20-12-2022

Acts Referred:

Citation : (2022) 12 CHH CK 0063

Hon'ble Judges : P. Sam Koshy, J

Bench : Single Bench

Advocate : Faisal Akhtar, Animesh Tiwari

Final Decision : Disposed Of

Judgement

1. Learned Counsel for Petitioner submits that the Petitioner has appeared in the Teacher Eligibility Test (TET) conducted by Respondent No.1/CGVYAPAM in the year 2022. At the time of submission of the Application Form online, the Petitioner inadvertently put mark in "OBC (Creamy Layer)" category instead of "OBC (Non Creamy Layer)" category.

2. According to learned Counsel for Petitioner, the Petitioner belongs to "OBC (Non Creamy Layer)" category. On declaration of the results of the said Exam, the Petitioner came to know that he has not been considered as "OBC (Non Creamy Layer)" category candidate. Upon enquiry, it revealed that he has been treated as "OBC (Creamy Layer)" category candidate.

3. Learned Counsel for Petitioner submits that immediately thereafter the Petitioner has submitted his representation before Respondent Authorities, but till date his representation has not been considered and decided. Learned Counsel for Petitioner thus submits that an appropriate direction may be issued to the Respondent Authorities to consider and decide the representation of the Petitioner, at the earliest.

4. Learned Counsel for Respondents on the other hand submits that the

Petitioner has submitted online Application Form and, as stated by learned Counsel for Petitioner, the Petitioner himself opted "OBC (Creamy Layer)" category. Therefore, the candidature of the Petitioner was considered according to the details given by the Petitioner himself in his Application Form.

5. Learned Counsel for Respondents further submits that along with the Writ Petition, the Petitioner has submitted his "Social Status Certificate" issued by the Competent Authority. As per the requirement, the candidates are required to submit their recent "Social Status Certificate" issued by the Competent Authority, with the Application Form, for considering whether the candidate comes under the "Non Creamy Layer" category, or not. If the Petitioner submits his latest "Social Status Certificate" before the Authorities concerned along with his representation the same shall be considered and decided expeditiously.

6. Learned Counsel for Respondents also submits that since the claim of the Petitioner is only for participation in the said Exam, the Respondent Authorities are considering such claims with permissible rectification.

7. At this stage, learned Counsel for Petitioner submits that in view of the objections raised by learned Counsel for Respondents, the Petitioner may be permitted to file a fresh representation along with his recent "Social Status Certificate", for which some time may be granted to the Petitioner.

8. Heard learned Counsels for parties and perused the records of the present Writ Petition.

9. Considering the facts and circumstances of case, the nature of grievance, the submissions made by learned Counsels for parties, this Court finds it appropriate to dispose of the present Writ Petition at the motion stage itself without going into the merits of the claim raised by the Petitioner, directing the Respondents to consider and decide the representation of the Petitioner.

10. Accordingly, the Petitioner is directed to file a fresh representation before the Respondent Authorities along with his latest "Social Status Certificate" issued by the Competent Authority, within a period of six weeks from today. If such representation is made by the Petitioner, the Respondent Authorities shall consider and decide the same strictly in accordance with law, within a further period of eight weeks from the date of receipt of copy of the representation.

11. With aforesaid direction/observation, the Writ Petition stands disposed of.