

(2023) 02 CHH CK 0039
In the Chhattisgarh High Court
Case No : Writ Petition (C) No. 769 Of 2023

Rinky Patel

APPELLANT

Vs

Chhattisgarh Vyavasayik Pariksha Mandal (CGVYAPAM)

RESPONDENT

Date of Decision : 16-02-2023

Acts Referred:

Citation : (2023) 02 CHH CK 0039

Hon'ble Judges : Narendra Kumar Vyas, J

Bench : Single Bench

Advocate : R.S.Patel, Dr.Saurabh Kumar Pande

Final Decision : Disposed Of

Judgement

1. Learned counsel for petitioner submits that the Petitioner appeared in Teacher Eligibility Test (TET) conducted by respondent No.1/VYAPAM in the year 2022. At the time of submission of her 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 results of the said exam, the Petitioner came to know that she has not been considered as "OBC (Non Creamy Layer)" candidate. Upon enquiry, it revealed that she has been treated as "OBC (Creamy Layer)" category candidate.

3. 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 herself opted "OBC (Creamy Layer)" category. Therefore, the candidature of the Petitioner was considered according to the details given by the Petitioner herself in her application Form.

4. Learned counsel for Respondents further submits that along with the Writ Petition, the Petitioner has submitted her "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 candidate comes under the "Non Creamy Layer category, or not. If the Petitioner submits her latest "Social Status Certificate" before the Authorities concerned along with her representation, the same shall be considered and decided expeditiously.

5. 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 the claim of such candidates with permissible rectification.

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

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

8. 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 Respondents to decide the representation of the Petitioner.

9. Accoringly, the Petitioner is directed to file a fresh representation before the Respondent Authorities along with her 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.

10. With above observations and directions, writ petition stands disposed of.