

(2025) 11 CHH CK 1783
In the Chhattisgarh High Court
Case No : WPS No. 1303 Of 2023

Abhishek Singh

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 03-11-2025

Acts Referred:

Citation : (2025) 11 CHH CK 1783

Hon'ble Judges : Amitendra Kishore Prasad, J

Bench : Single Bench

Advocate : Animesh Verma, Devesh G. Kela, Prateek Vishwakarma, Anand Mohan Tiwari

Final Decision : Allowed

Judgement

Amitendra Kishore Prasad, J

1. Following reliefs have been sought for by the petitioner in this petition:

"(10.1) That, this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the Petitioner for its kind perusal.

(10.2) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order, direction thereby quashing and setting aside the impugned order dated 18/08/2022 (Annexure P/1).

(10.3) That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order, direction thereby directing the Respondent State to consider and give appointment to the Petitioner on the post of Lecturer Mathematics (E & T Cadre) after accepting the result of M.Sc. and B.Ed. or

That, this Hon'ble Court may kindly be pleased to issue an appropriate writ, order, direction thereby directing the Respondent State to appoint the Petitioner as Lecturer Mathematics (E & T Cadre) subject to the condition that the Petitioner shall obtain fresh B.Ed. degree from a recognized university, within five years of his appointment on the aforesaid post.

(10.4) That, any other relief/order which may deem fit and just in the facts and circumstances of the case including award of the costs of the petition may be given.”

2. Facts of the case, in a nutshell, are that on 09.03.2019, the Directorate of Public Instruction issued an advertisement for a total of 14,580 posts for lecturers, teachers, and assistant teachers under 'T' and other cadres for various subjects. The petitioner, finding himself eligible for the post of Lecturer in Mathematics, applied accordingly. Importantly, the recruitment process was governed by a notification published in the Chhattisgarh Official Gazette dated 05.03.2019, which clearly outlined the educational qualifications required for the post of Lecturer. The petitioner meets the prescribed qualifications and should therefore be considered eligible. The petitioner completed a Master of Mathematics degree through an Open and Distance Learning program between June 2018 and December 2018. Additionally, he enrolled as a regular student in the B.Ed. course in 2017 and appeared for the examination in 2019. The petitioner passed the written examination and was called for document verification, which took place on 28.11.2020. However, during this process, the petitioner was declared disqualified for the post of Lecturer in Mathematics on the grounds that she possessed two degrees earned in the same academic year, Master of Mathematics and Bachelor of Education. Challenging this order, the petitioner filed a writ petition registered as WPS 285/2021 (Abhishek Singh v. State of C.G). On 12.07.2022, this Court passed an order granting the petitioner liberty to file a representation. It was directed that if the petitioner filed such a representation, it should be considered and decided by the respondent authorities within six weeks. Subsequently, the petitioner submitted a representation to the respondent authority, which was rejected on the ground that re-verification of documents cannot be undertaken once the initial verification and decision have been completed. Further, a notifications dated 02.05.2022 & 05.06.2025 issued by the University Grants Commission (UGC) recognizes the Dual Degree Programme. According to this notification, a Dual Degree Programme is jointly designed and offered by Indian and foreign higher education institutions in the same disciplines and at the same level, with degrees conferred separately and simultaneously upon fulfillment of requirements. This shall not be construed as two separate degrees pursued simultaneously. The UGC further mandates conformity with prescribed nomenclature, duration, and eligibility standards. Additionally, the UGC issues guidelines for eligibility of joint and dual degree programmes. It is also relevant to highlight that similarly situated candidates who possessed simultaneous postgraduate degrees have been appointed to posts.

2. Learned counsel for the petitioner would submit that the Directorate of Public Instruction issued an advertisement dated 09.03.2019 for a total of 14,580 posts for lecturers, teachers, and assistant teachers under the 'T' and other cadres for various subjects. The petitioner, being eligible for the post of Lecturer in Mathematics, duly applied for the same. It is crucial to highlight that the

recruitment process was governed by the Chhattisgarh Official Gazette notification dated 05.03.2019, which clearly prescribed the educational qualifications required for appointment to the post of Lecturer. The petitioner possesses the requisite qualifications and is therefore entitled to be considered eligible for the post of Lecturer (Mathematics). The petitioner completed a Master of Mathematics degree through an Open and Distance Learning Programme between June-July 2017 and December 2018. Additionally, the petitioner was enrolled as a regular student in the B.Ed. course in 2017 and appeared for the examination in 2019. Having passed the written examination, the petitioner was called for document verification on 28.11.2020 before the respondent authority. However, the petitioner was unjustly declared disqualified on the ground that he held two degrees, Master of Mathematics and Bachelor of Education, obtained in the same academic year. Challenging this disqualification, the petitioner filed a writ petition before this Court, registered as WPS 285/2021 (Abhishek Singh v. State of C.G.). By order dated 12.07.2022, this Court granted the petitioner liberty to file a representation, directing that the same be considered and decided by the respondent authorities within six weeks of its receipt. Subsequently, the petitioner submitted a representation, which was rejected on the ground that re-verification of documents is not permissible once the initial verification and decision have been made. Furthermore, the petitioner draws attention to the notification of University Grants Commission dated 02.05.2022 and 05.07.2025 which recognizes Dual Degree Programmes. These programmes involve degrees conferred jointly by Indian and foreign higher education institutions and are treated as a single integrated programme rather than two separate degrees pursued simultaneously. The University Grants Commission (UGC) also formally offers Joint and Dual Degree Programmes, confirming the eligibility of dual degrees for academic and professional purposes. Lastly, it is pertinent to note that similarly situated candidates, such as Hridyesh Kumar and Ku. Seema Yadav, possessing comparable degrees obtained simultaneously, have been appointed.

3. On the other hand, supporting the order impugned to be just and proper counsel appearing for the respondents jointly submits that the disqualification of petitioner was rightly upheld as per the clear terms of the recruitment advertisement and the Chhattisgarh Official Gazette notification dated 05.03.2019, which mandate that candidates must not possess two degrees obtained simultaneously in the same academic year for the post of Lecturer. The possession of petitioner of Master of Mathematics and B.Ed. degrees in the same academic year violates this explicit eligibility criterion. Further, the reliance placed by petitioner on the notification of University Grants Commission on Dual Degree Programmes is misplaced, as the qualifications of petitioner do not fall within the ambit of such recognized dual degree courses. The petitioner pursued two separate courses independently, not a joint or integrated programme as defined by the UGC. The respondents also contend that the document verification process was conducted in accordance with the rules, and once the verification

was completed and the petitioner declared ineligible, no further re-verification is permissible under law.

4. I have heard counsel for the parties and perused the material available on record.

5. The eligibility criteria prescribed for appointment of Lecturer (Mathematics) reads as under:

6. The rejection of the candidature of petitioner' is solely based on the ground that he has obtained two degrees in the same academic year, namely, Master of Mathematics and Bachelor of Education (B.Ed.). However, the advertisement dated 09.03.2019 issued by the Directorate of Public Instruction does not specify that a candidate who has obtained two degrees in the same academic year is disqualified from consideration for appointment to the post of Lecturer (Mathematics).

7. Submission made by learned State counsel that the petitioner is ineligible unless his graduation is specifically in Mathematics is neither proper nor justified. The sole reason recorded in the impugned order for disqualification is that the petitioner holds two degrees simultaneously in one academic year. The State cannot improve its case by raising new grounds beyond the reasons mentioned in the impugned order during the course of arguments, as held by the Supreme Court in *Mohinder Singh Gill & Anr. vs The Chief Election Commissioner* [(1978) 1 SCC 405].

Therefore, the contention of the State counsel is rejected, and the impugned order dated 18.08.2022 disqualifying the petitioner is set aside.

8. The respondents are accordingly directed to consider the petitioner's case for appointment to the post of Lecturer (Mathematics) afresh and pass an appropriate order within sixty (60) days from the date of receipt of a copy of this judgment.

9. The petition is allowed to the above extent.