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HIGH COURT OF CHHATTISGARH : BILASPUR

Writ Petition (S) No. 699 of 2009

Petitioner Ajay Kumar Jangde, S/o Shri Manharan Lal
Jangde, aged about 21 years, R/o Village
Amaldih, P.O. Tundri, Via Bilaigarh, Raipur
(C.G.)

Versus

Respondents 1. State of Chhattisgarh, through Secretary,
Panchayat and Rural Development,
Mantralaya, D.K.S. Bhawan, Raipur (C.G.)
2. Chief Executive Officer, Janpad Panchayat,
Bilaigarh, Distt. Raipur (C.G.)
3. Examination Controller, Chhattisgarh
Professional Examination Board, Raipur
(C.G.)
4. Principal, District Education and Training
Institute, Shankar Nagar, Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Shri Satish K. Agnihotri J.)

Ms Meena Shastri, Advocate for the petitioner.

Shri Yashwant Singh Thakur, Deputy Advocate General with Shri
Arvind Dubey, Panel Lawyer for the respondent No.1/State.

ORDER

(Passed on this 30th Day of April, 2009)

1. Learned counsel appearing for the petitioner submits that pursuant to the advertisement dated 12.1.2008 (Annexure P/1) the petitioner applied for the post of Shiksha Karmi Grade-III. At the time of submission of the application the petitioner was a student of 2nd year D.Ed. examination course. He appeared in the D.Ed. examination on 6.4.2008, the result of which was declared in June, 2008, wherein the petitioner was declared as passed in the D.Ed. examination. In spite of that the petitioner was not called for counselling for the post of Shiksha Karmi Grade-III.
2. According to the advertisement, the requisite qualification for appointment to the post of Shiksha Karmi Grade III was Higher Secondary Exam pass Certificate and D.Ed. passed. It



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was further prescribed that in the event D.Ed. candidates are not available the other candidates may be considered.

3. According to learned counsel appearing for the petitioner the petitioner has completed D.Ed. during selection process. Since the examination of D.Ed. was over by the time the examination for the post of Shiksha Karmi Grade III was held, therefore he was entitled to be called for counseling. He further submits that since it was not prescribed as to when the petitioner should have requisite qualification, the petitioner is entitled to have benefit of D.Ed. examination certificate and he should have been called for counseling.
4. Per contra, learned counsel appearing for the respondent No.1/State submits that in view of the decision of this Court in W.P.(S) No. 1187 of 2009 (Nisha Choubey Vs. State of Chhattisgarh & others) dated 2nd March, 2009, the petitioner is not entitled for any relief.
5. This Court in Nisha Choubey (supra), relying on the decision of Hon'ble Supreme Court in **Ashok Kumar Sonkar Vs. Union of India and others**¹ and **Dipitimayee Parida Vs. State of Orissa and others**² held that "Applying the well settled principles of law to the facts of the present case, wherein no date was specified, the candidates must acquire the requisite qualification on the last date of filing of the application."
6. In view of the foregoing, the petition has no merit and it is accordingly dismissed, summarily.

Thakur

Sd/-
Satish K. Agnihotri
Judge

¹ (2007) 4 SCC 54

² (2008) 10 SCC 687