

HIGH COURT OF CHHATTISGARH : BILASPUR

Writ Petition (S) No. 3688 of 2008

Petitioners 1. Mukesh Kumar Mishra, S/o Shri Banshi Lal Mishra, aged about 25 years, R/o Behind Ayurvedic Hospital, Seepat Road Sarkanda, District Bilaspur C.G.
2. Sewak Ram Rathore, S/o Shri Sohan Lal athore, aged about 22 years, R/o Village Putpura, Post Khokhra, District Janjgir Champa C.G.

Versus

Respondents 1. State of Chhattisgarh, through the Secretary, Department of Panchayat and Rural Development, DKS Bhawan, Raipur (C.G.)
2. Chhattisgarh Professional Examination Board Through : The Secretary C-168, Tagore Nagar, Raipur (C.G.)
3. Zila Panchayat, Surguja, through : the Chief Exertive Officer, Surguja, district Surguja (C.G.)
4. The Selection Committee, Zila Panchayat, Surguja (Committee Constituted under the provision of Rule 6 for appointment of Shiksha Karmi Grade-I & Grade-II) through the Chief Executive Officer, Surguja, District Surguja.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA
(SB: Hon'ble Shri Satish K. Agnihotri J.)

Shri Rajesh Pandey, Advocate for the petitioners.

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

Shri Pankaj Agarwal, Advocate for the respondent No.2.

ORDER

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

1. Learned counsel appearing for the petitioners submits that pursuant to the advertisement dated 15.1.2008 (Annexure P/6 & P/7) the petitioners applied for the post of Shiksha Karmi Grade-II. At the time of submission of the application the petitioners were students of B.Ed. examination course. The result of B.Ed. examination was declared on 21.5.2008, wherein the petitioners were declared as passed in the B.Ed. examination. In spite of that the petitioners were not called for

counselling for the post of Shiksha Karmi Grade-II, though they were selected and placed at serial numbers 47 and 251, respectively.

2. According to the advertisement, the requisite qualification for appointment to the post of Shiksha Karmi Grade II was Graduation in second division and B.Ed. passed. It was further prescribed that in the event B.Ed. candidates are not available the other candidates may be considered.
3. According to learned counsel appearing for the petitioners the petitioners have completed B.Ed. during selection process. Since the examination of B.Ed. was over by the time the examination for the post of Shiksha Karmi Grade II was held, therefore the petitioners were entitled to be called for counseling. He further submits that since it was not prescribed as to when the petitioners should have requisite qualification, the petitioners are entitled to have benefit of B.Ed. examination certificate and they 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 petitioners are 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