

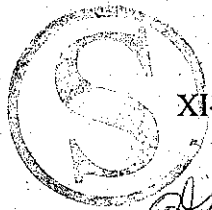
Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 3933 OF 2014

PETITIONER: <i>3933/14</i> <i>Presented by Shri Sanjay Verma</i> <i>dated 01.8.14</i>		Sanjit Kumar, S/o Shri Dilip Kumar, Aged about 22 years, Resident of Village – Guruwaun Dabri, P.O. – Lalpur, Police Station – Lalpur, Tahsir – Lormi, District – Mungeli, Chhattisgarh
	Versus	
RESPONDENTS:		<ol style="list-style-type: none">1. State of Chhattisgarh, Through Chief Secretary, Department of Revenue, Mantralay, Mahanadi Bhawan, New Raipur, Chhattisgarh.2. The Collector, District – Mungeli, Chhattisgarh.3. The Additional Collector, Mungeli, Chhattisgarh.4. The Land Record Officer, Office of Collector, Land Records Branch, District – Mungeli, Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF SUITABLE WRITS AND DIRECTIONS:-



XI-HC—78

31/12/14

44

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक. W.P.(S) No. 3933 सन् 2014

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>SB : Hon'ble Shri Manindra Mohan Shrivastava, J.</u> <u>24-12-14</u></p> <p>Shri Jitendra Gupta, counsel for the petitioner/s. Shri Y.S.Thakur, Dy.A.G. for the State.</p> <p>With the consent of the parties, the matter is heard finally.</p> <p>The petitioner has filed this petition aggrieved by rejection of candidature for appointment to the post of Patwari initiated vide advertisement dated 25/01/14.</p> <p>The issue which arises for consideration in this petition is as whether the petitioner was holding eligibility qualification as prescribed in clause 10 of the advertisement.</p> <p>The petitioner, without dispute, has obtained diploma in computer application from C.V. Raman University.</p> <p>Clause 10 of the advertisement exhaustively enumerates eligibility qualification. The petitioner is only possessed of diploma qualification from C.V.Raman University and not from recognized ITI, Government Polytechnic institution, Board of Technical Education, State Technical University Or DOEACC Society, New Delhi. The qualification possessed by the petitioner, apparently therefore, is not one of the eligibility qualifications prescribed in clause 10 of the advertisement.</p> <p>The submission of learned counsel for the petitioner that one similarly situated candidate was allowed to participate holding him eligible, does not help the petitioner. If the petitioner does not hold</p>	



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	<p>eligibility qualification as prescribed in the advertisement, no relief can be granted by taking recourse to Article 14 of the Constitution of India as negative equality cannot be enforced. Thus, if any candidate has been wrongly allowed to appear in the examination even though not possessed of the qualification, the illegality cannot be perpetuated by allowing the petitioner to participate in the examination.</p> <p>The argument, in disguise, has been raised submitting that the qualification of diploma in computer application obtained from C.V. Raman University ought to be treated as equivalent to diploma granted by other institutions. The submission is liable to be rejected because the matter of equivalence is an aspect for consideration for the experts and not for the Courts.</p> <p>The petition has no merit and is accordingly dismissed.</p>	

Deepti

Sd/-
Manindra Mohan Shrivastava
Judge