



2026:CGHC:13668

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1732 of 2021**

- Deepti Shendey D/o Shri Pyarelal Shendey Aged About 36 Years
R/o 613/44, Awadhपुरi, Risali, Bhilai, Tahsil Durg, P.S. Nevai,
District Durg Chhattisgarh., District : Durg, Chhattisgarh
... Petitioner(s)

versus

1. State Of Chhattisgarh Through The Secretary, School Education
Department, Nawa Raipur, Atal Nagar, Mahanadi Bhawan, Raipur,
District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. The Chhattisgarh Professional Examination Board Through The
Secretary, Vyapam Bhawan, North Block, Sector -19, Nava
Raipur, Atal Nagar, Raipur, District Raipur Chhattisgarh., District :
Raipur, Chhattisgarh
3. Director Directorate Of Public Instructions, 1st Floor, C Block,
Indravati Bhawan, Atal Nagar, Nava Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
4. Joint Director Directorate Of Public Instructions, 1st Floor, C
Block, Indravati Bhawan, Atal Nagar, Nava Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh
5. University Grant Commission Through The Secretary, Bahadur
Shah Zafar Marg, New Delhi - 110002., District : New Delhi, Delhi
6. Hemchand Yadav Vishwavidyalaya, Durg, (Durg University)
Through The Registrar, Raipur Naka, Durg Chhattisgarh., District :
Raipur, Chhattisgarh
7. Pandit Sundarlal Sharma (Open) University Chhattisgarh, Bilaspur
Through The Registrar, Bilaspur Koni Birkona Marg, Gram Post -
Birkona, Bilaspur, District Bilaspur Chhattisgarh., District :
Bilaspur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Mr. T.L. Bareth, P.L.
For Respondent-Universities	:	Mr. Neeraj Choubey, Advocate
For Respondent-UGC	:	Mr. Rajkumar Gupta, Advocate
For Respondent -VYAPAM	:	Mr. Yogendra Pandey, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

23.3.2026

1) By way of this petition, petitioner have sought following reliefs :-

10.1 That, this Hon'ble Court may kindly be pleased to set aside the impugned order dated 26.10.2020 (ANNEXURE P/1) passed by respondent No. 4, approved by respondent No. 3, in the interest of justice.

10.2 That, this Hon'ble Court may kindly be pleased to direct respondent authorities to grant appointment to the petitioner in the post of Lecturer English subject T cadre or E cadre, declaring her eligible, as per paw in the interest of justice.

10.3 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 present case are that on 9.3.2019, Directorate of Public Instruction issued an advertisement for appointment on various posts of lecturers, teachers and assistant teachers under 'T' and other cadres for various subjects. The petitioner who belongs to scheduled caste, finding herself eligible for the post of Lecturer (English), applied accordingly. She secured overall rank 235th ,

rank 12th in scheduled caste category, rank 132nd in female category and rank 5th in scheduled caste – female category. However, during this process, an objection was raised with regard to her social status and same was removed. Subsequently, Joint Director, Directorate of Public Instruction rejected the candidature of petitioner vide order dated 26.10.2020 (Annexure P/1) on the ground that she obtained two degrees in the same academic year 2017, M.A. English and first semester of B.Ed.

- 3) Mr. Prateek Sharma, counsel for the petitioner submits that although petitioner was meritorious but her candidature was rejected by respondent No. 4 vide order dated 26.10.2020 on the ground that she appeared in final semester of M.A. English and first Semester of B.Ed. in year 2017. He further submits that petitioner was pursuing her studies as M.A. Final student in year 2017 through distance learning mode whereas she was a regular student of B.Ed. in year 2017, thus there was no overlapping of courses. He contends that no clear prohibition has been made by the UGC or any competent body regarding prosecuting regular degree and degree from distance course in same year by a student, therefore order impugned is bad in law and deserves to be quashed.
- 4) On the other hand, Mr. Neeraj Choubey, counsel for the respondent-Universities submits that respondent authorities have rightly rejected the candidature of petitioner as she pursued two

courses in the same academic year which violates the Ordinance No. 6 of Hemchand Yadav Vishwavidyalaya, Durg.

- 5) Mr. Rajkumar Gupta, counsel for the respondent-UGC submits that no regulation was issued by the UGC at the relevant time with regard to pursuing two courses simultaneously.
- 6) Mr. T.L. Bareth, P.L. and Mr. Yogendra Pandey, counsel for respondent-VYAPAM support the order impugned.
- 7) I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.
- 8) The candidature of petitioner has been rejected solely on the ground that she has obtained two degrees in the same academic year, namely, Master of Arts in English and First Semester of B.Ed. However, it is quite vivid that petitioner pursued Master of Arts in English through distance learning mode whereas she pursued B.Ed. Course as regular student. Also, the advertisement dated 9.3.2019 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 (English).
- 9) In view of the aforesaid discussion, in my opinion, decision taken by the respondents No. 3 and 4 appears to arbitrary and illegal. Accordingly, the order dated 26.10.2020 is hereby quashed and respondents No. 3 and 4 are directed to consider the petitioner's

case for appointment to the post of Lecturer (English) afresh and pass and appropriate order within sixty days from the date of receipt of copy of this order.

10) Accordingly, the petition stands allowed.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya