



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (CIVIL) NO. 2238 OF 2023

1. Nidhi Dhiwar, D/o Dayaram Dhimar, aged about 23 years, Caste OBC (NCL), R/o Qr.No.1/G, Ward No.29, Goutam Nagar, Street AVB, Sector-11, Zone-1, Bhilai, Post Khursipar District Durg (C.G.)
2. Ranu, D/o Arjun, aged about 23 years, Caste OBC (NCL), R/o Ganga Nagar, Bhanpuri, WRS Colony, Raipur, District Raipur (C.G.)

... Petitioners

versus

1. Chhattisgarh Vyavasayik Pariksha Mandal (CGVYAPAM), Vyapam Bhavan, North Block, Sector-19, Atal Nagar, Nava Raipur, District Raipur (C.G.)
2. Exam Controller, Chhattisgarh Vyavasayik Pariksha Mandal (CGVYAPAM), Vyapam Bhavan, North Block, Sector 19, Atal Nagar, Nava Raipur, District Raipur (C.G.)

... Respondents

For Petitioners	:	Mr. Arvind Ku. Dubey, Adv.
For Respondents	:	Dr. Sourabh Ku. Pande, Adv.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

[11/05/2023]

1. Learned Counsel for Petitioners submits that the Petitioners have appeared in the Teacher Eligibility Test (TET) conducted by Respondent No.1/CGVYAPAM in the year 2022. At the time of submission of their Application Form online, the Petitioners inadvertently put mark in "OBC (Creamy Layer)" category instead of "OBC (Non Creamy Layer)" category.
2. According to learned Counsel for Petitioners, both the Petitioners belong to "OBC (Non Creamy Layer)" category. On declaration of the results of the said Exam, the Petitioners came to know that they have not been considered as "OBC (Non Creamy Layer)" category candidates. Upon enquiry, it revealed that they have been treated as "OBC (Creamy Layer)" category candidates.



3. Learned Counsel for Petitioners submits that immediately thereafter the Petitioners have submitted their representation before Respondent Authorities, but till date their representation has not been considered and decided. Learned Counsel for Petitioners thus submits that an appropriate direction may be issued to the Respondent Authorities to consider and decide the representation of the Petitioners, at the earliest.

4. Learned Counsel for Respondents on the other hand submits that the Petitioners have submitted online Application Form and, as stated by learned Counsel for Petitioners, the Petitioners themselves opted "OBC (Creamy Layer)" category. Therefore, the candidature of the Petitioners was considered according to the details given by the Petitioners themselves in their Application Form.

5. Learned Counsel for Respondents further submits that along with the Writ Petition, the Petitioners have submitted their "Social Status Certificate" issued by the Competent Authority. As per the requirement, the candidates are required to submit their recent "Social Status Certificate" issued by the Competent Authority, with the Application Form, for considering whether the candidate comes under the "Non Creamy Layer" category, or not. If the Petitioners submit their latest "Social Status Certificate" before the Authorities concerned along with their representation the same shall be considered and decided expeditiously.



6. Learned Counsel for Respondents also submits that since the claim of the Petitioners is only for participation in the said Exam, the Respondent Authorities are considering such claims with permissible rectification.

7. At this stage, learned Counsel for Petitioners submits that in view of the objections raised by learned Counsel for Respondents, the Petitioners may be permitted to file a fresh representation along with their recent "Social Status Certificate", for which some time may be granted to the Petitioners.

8. Heard learned Counsels for parties and perused the records of the present Writ Petition.

9. Considering the facts and circumstances of case, the nature of grievance, the submissions made by learned Counsels for parties, this Court finds it appropriate to dispose of the present Writ Petition at the motion stage itself without going into the merits of the claim raised by the Petitioners, directing the Respondents to consider and decide the representation of the Petitioners.

10. Accordingly, the Petitioners are directed to file a fresh representation before the Respondent Authorities along with their latest "Social Status Certificate" issued by the Competent Authority, within a period of six weeks from today. If such representation is made by the Petitioners, the Respondent Authorities shall consider and decide the same strictly in accordance with law, within a further period of eight weeks from the date of receipt of copy of the representation.



11. With aforesaid direction/observation, the Writ Petition stands disposed of.

/sharad/

**Sd/-
(P. Sam Koshy)
Judge**

