



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2470 of 2023

- Dinesh Kumar Vishwakarma S/o Shri Ramchandra Vishwakarma, Aged About 41 Years, R/o Village Naharpara, Post Office Kondagaon, District Kondagaon, Chhattisgarh.

---- Petitioner

Versus

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

----Respondents

For Petitioner – Mr. Sudhir Kumar Sahu, Advocate.

For Respondents – Mr. Avinash Singh, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

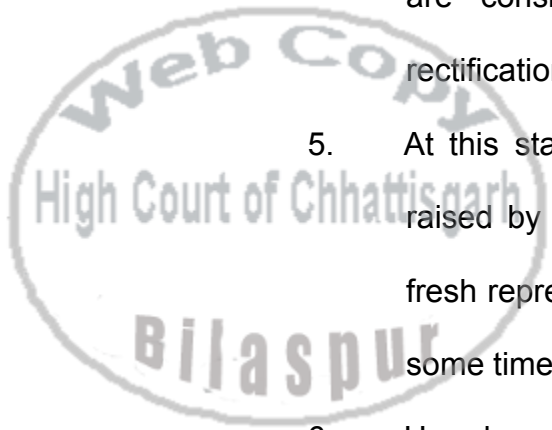
29-05-2023

1. Learned counsel for petitioner submits that petitioner appeared in Teacher Eligibility Test (TET) conducted by Respondent No.1/CGVYAPAM in the year 2022. At the time of submission of his application form online, petitioner inadvertently put mark in “Other Backward Class Category (Creamy Layer)” instead of “Other Backward Class Category (Non Creamy Layer)”. Petitioner belongs to OBC Category (Non Creamy Layer).
2. On declaration of result, petitioner came to know that he was not considered as OBC Category (Non Creamy Layer) candidate. Upon enquiry, it revealed that he was treated as “OBC Category (Creamy Layer)” candidate. He submits that a direction be issued to respondent-authority to consider the claim of the petitioner at the earliest.
3. Learned counsel for respondents submits that petitioner submitted on-line application, as stated by counsel for petitioner, he himself opted “Other Backward Class Category (Creamy Layer)”, hence, his



candidature was considered according to details given by him in application. He also contends that along with writ petition, petitioner submitted 'social status certificate' issued by Competent Authority. As per requirement, candidates are required to submit recent social status certificate issued by competent authority with application form for considering 'whether candidate comes within non-creamy layer or not'. He also contended that if petitioner submits his latest social status certificate before the authority along with representation, the same will be considered and decided expeditiously.

4. Counsel for the respondents submits that since the claim of the petitioner is only for participation in the eligibility test, the respondents are considering the claim of such candidates with permissible rectification.
5. At this stage, counsel for petitioner submits that in view of objection raised by counsel for respondents, petitioner may be permitted to file fresh representation along with recent social status certificate, for which some time may be granted to petitioner.
6. Heard counsel for parties and perused record of writ petition.
7. Considering facts and circumstances of case, nature of grievance, submissions of counsel for parties, I find it appropriate to dispose of this writ petition at the motion stage itself without going into merits of claim of petitioner, directing respondents to decide the representation of petitioner.
8. In view of above, petitioner is directed to file fresh representation before the respondent-authority along with his social status certificate issued by the Competent Authority within a period of six weeks from today. On making such representation, respondent-authority 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 representation.

9. With above observations and directions, writ petition stands disposed of.
10. I.A. No.2, application for listing and hearing the case during summer vacation and I.A. No.3, application for urgent hearing also stand disposed of.

Sd/-

(Rakesh Mohan Pandey)

Vacation Judge

Aadil

