



NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2458 of 2023

1. Anita Dewangan D/o S. Ram Dewangan, Aged About 29 Years, W/o Rakesh Kumar Dewangan R/o Bazar Para, Village Lofandi, District : Bilaspur, Chhattisgarh
2. Gunjan Dewangan D/o S. Ram Dewangan, Aged About 26 Years, R/o Mission Road Patel Para, Korba, District : Korba, Chhattisgarh
3. Pramod Patel S/o Lal Bahadur Patel, Aged About 30 Years, R/o Aramsahi, Police Station Masturi, District : Bilaspur, Chhattisgarh

---- Petitioners

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 Petitioners – Mr. Nitansh Kumar Jaiswal, Advocate.
For Respondents – Dr. Saurabh Kumar Pandey, Advocate.

Hon'ble Shri Justice Rakesh Mohan Pandey

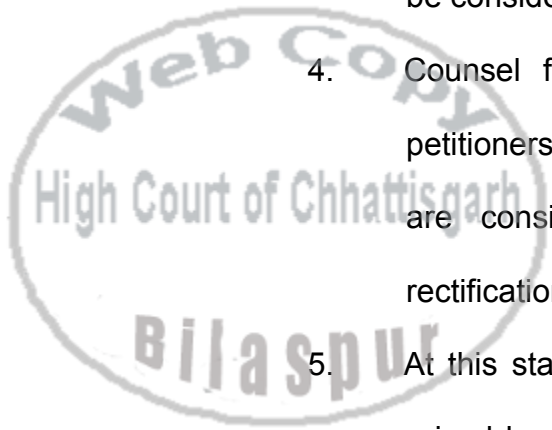
Order on Board

29-05-2023

1. Learned counsel for petitioners submits that petitioners appeared in Teacher Eligibility Test (TET) conducted by Respondent No.1/CGVYAPAM in the year 2022. At the time of submission of their application form online, petitioners inadvertently put mark in “Other Backward Class Category (Creamy Layer)” instead of “Other Backward Class Category (Non Creamy Layer)”. Petitioners belong to OBC Category (Non Creamy Layer).
2. On declaration of result, petitioners came to know that they were not considered as OBC Category (Non Creamy Layer) candidate. Upon enquiry, it revealed that they were treated as “OBC Category (Creamy Layer)” candidate. He submits that a direction be issued to respondent-authority to consider the claim of the petitioners at the earliest.



3. Learned counsel for respondents submits that petitioners submitted on-line application, as stated by counsel for petitioners, they themselves opted "Other Backward Class Category (Creamy Layer)", hence, their candidature was considered according to details given by them in application. He also contends that along with writ petition, petitioners 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 petitioners submit their 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 petitioners 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 petitioners submits that in view of objection raised by counsel for respondents, petitioners may be permitted to file fresh representation along with recent social status certificate, for which some time may be granted to petitioners.
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 petitioners, directing respondents to decide the representation of petitioner.
8. In view of above, petitioners are directed to file fresh representation before the respondent-authority along with her social status certificate





issued by the Competent Authority within a period of six weeks from today. On making such representations, 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 representations.

9. With above observations and directions, writ petition stands disposed of.
10. I.A. No.2, application for hearing and listing 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

