



2026:CGHC:26139

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1421 of 2021**

- Sikha Singh Wife Of Shri Sourabh Singh Aged About 39 Years Resident Of Nariyal Kothi, Dayalband, Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

... Petitioner(s)**versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh
2. Director Directorate Of Public Instruction Chhattisgarh, Raipur Indravati Bhawan, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Pt. Sunder Lal Sharma (Open) University Through Registrar, Koni, Birkoni Marg, Bilaspur, District Bilaspur, Chhattisgarh
4. Sarguja University Through Its Registrar Ambikapur, Chhattisgarh

... Respondent(s)

For Petitioner	:	Mr. Shashi Kumar Kushwaha, Adv. along with Mr. Satya Kumar Mandloi, Adv.
For State	:	Mr. Amandeep Singh, P.L.
For Respondent-Universities	:	None, though served

Hon'ble Shri Justice Rakesh Mohan Pandey**Judgment On Board**

25.6.2026

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

(i) That, this Hon'ble Court may kindly be pleased to quash Annexure P-1 and direct the respondent to consider the petitioner for appointment on the post of Lecturer (English), and appoint the petitioner accordingly, as per order of merit, in the interest of justice.

(ii) Any other relief which may be suitable in the facts and circumstances of the case, may also be granted.

2) Facts of present case are that on 9.3.2019, Directorate of Public Instruction issued an advertisement for appointment of lecturers, teachers and assistant teachers under 'T' and other cadres for various subjects. The petitioner applied for the post of Lecturer (English) and participated in the recruitment process and she was declared ineligible vide order dated 19.11.2020 on the ground that she obtained two degrees in the same academic year 2012, B.Ed. and first year of M.A. English.

3) Learned counsel for the petitioner submits that petitioner's candidature was rejected by respondent No. 2 vide order dated 19.11.2020 on the ground that she appeared in first year of M.A. English and B.Ed. in year 2012. He contends that petitioner was pursuing her studies of first year of M.A. English in year 2012 through distance learning mode whereas she was a regular student of B.Ed. in year 2012, thus there was no overlapping of courses. He argues 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, learned State counsel submits that petitioner has pursued two different degree programmes during the same academic year. He further submits that Chhattisgarh Universities Act, 1973, or the Ordinances framed thereunder, specifically regulate eligibility for appearing in examinations and obtaining degrees and the Ordinance 6 (Examination – General), para 16, of the Chhattisgarh Universities Act, 1973 clearly provides that no candidate shall appear in more than one degree examination or in more than one subject for the Master's degree (Previous or Final) in the same academic year. He contends that the impugned order rejecting candidature is legally valid, just, and proper and the petition be dismissed at the threshold.

5) I have heard learned counsel for the parties and perused the material available on record with utmost circumspection.

6) The candidature of petitioner has been rejected solely on the ground that she has obtained two degrees in the same academic year, namely, first year of Master of Arts in English and 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).

- 7) On a careful examination of the pleadings and submissions made by the parties, this Court finds that the rejection of the candidature of the petitioner solely on the ground that she possessed two degrees in the same academic year is arbitrary, legally unsustainable, and contrary to the principles of natural justice. The recruitment advertisement clearly prescribes the requisite educational qualifications for the posts of Lecturer, namely a postgraduate degree in the relevant subject and a Bachelor of Education (B.Ed.) degree. Nowhere in the advertisement it is expressly stipulated that a candidate would be disqualified merely because the two degrees were obtained in the same academic year. The respondents cannot, therefore, introduce a disqualification that was never contemplated at the time of issuing the advertisement, as doing so would amount to altering the eligibility criteria post hoc, which is impermissible under settled legal principles.
- 8) The petitioner has pursued one degree in regular mode and the other in distance, open, or online mode, in compliance with the guidelines issued by the University Grants Commission (UGC), including the 2012 notification and the 2022 Guidelines for

Pursuing Two Academic Programmes Simultaneously. The UGC guidelines explicitly permit a student to pursue one programme in regular mode concurrently with another programme in distance or online mode. There is no statutory or regulatory bar in such cases. The respondents' reliance on Ordinance 6 of the Chhattisgarh Universities Act, 1973, and on certain public notices issued by UGC in 2016, cannot override the express terms of the recruitment advertisement or the applicable UGC guidelines. The Court is, therefore, of the considered view that the petitioner was wrongly disqualified on a ground that is neither reflected in the advertisement nor consistent with the UGC norms.

- 9) The respondents are directed to consider the case of petitioner for appointment to the post of Lecturer afresh, strictly in accordance with the terms of the recruitment advertisement, the UGC guidelines, and other applicable statutory provisions. The respondents shall complete this process of fresh consideration and pass appropriate orders within sixty (60) days from the date of receipt of a copy of this judgment.
- 10) It is clarified that while considering the petitioner's candidature, no new disqualification other than those explicitly provided in the advertisement shall be imposed, and due regard shall be given to the fact that the petitioner pursued one degree in regular mode and another in distance/ODL/online mode in conformity with recognized academic norms.

11) The writ petition is **allowed** to the above extent. No costs are awarded.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya