



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8548 of 2025

- 1** - Rahul Verma S/o Mr. Mahesh Kumar Verma Aged About 38 Years
R/o House No.-305, Block D, Chhuganni Pride, Chanorabhata, District -
Raipur, Chhattisgarh
- 2** - Trilok S/o Mr. Jiwdhan Aged About 24 Years R/o House No.-199,
Ward No.- 13, Thaku Para, Khundani, P.O. - Khundani, District - Balod,
Chhattisgarh
- 3** - Mahesh Chandravanshi S/o Mr. Ram Sharan Chandravanshi Aged
About 26 Years R/o Bhareli, Near Atal Chowk, Kharhatta, District -
Kabirdham, Chhattisgarh
- 4** - Atul Kumar S/o Mr. Dular Singh Thakur Aged About 26 Years R/o
Ward No.-10, Chataripara, Ufra, District - Durg, Chhattisgarh
- 5** - Abhishek Sonwani S/o Manoj Kumar Sonwani Aged About 25 Years
R/o 102, Ward No.-12, Jai Stambh Guru Ghasidas Chauk, Govindvan,
Govindban, District Balodabazar-Bhatapara, Chhattisgarh
- 6** - Kushagra Chandrakar S/o Rakesh Chandrakar Aged About 24 Years
R/o Ward No.-03, Bangla Para, Main Road Makan No.-48, Tumgaon,
District - Mahasamund, Chhattisgarh
- 7** - Ranu Tai Thakre D/o Mayaram Thakre Aged About 28 Years Karan
Nagar, Changorabhata, District - Raipur, Chhattisgarh
- 8** - Hawan Kumar S/o Mantri Prasad Aged About 26 Years R/o
Ramhepur Kurd, Rawweli, District - Kabirdham, Chhattisgarh



9 - Kuleshwar S/o Punit Ram Sahu Aged About 27 Years R/o Ward -15, Bajar Chowk, Kolar, District - Raipur, Chhattisgarh

10 - Sooraj Kumar Ladel S/o Manharan Ladel Aged About 28 Years R/o Jhadutola, P.O.- Singangarh, District - Kabirdham, Chhattisgarh

11 - Shiva Chandrakar S/o Trilochan Chandrakar Aged About 30 Years R/o House No.-51, Ward No.-03, Dr. Rajendra Prasad Banglapara, Tumgaon, District - Mahasamund, Chhattisgarh

... Petitioners

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Health And Family Welfare And Medical Education, 03rd Floor, Mahanadi Bhawan Sector, Nava Raipur, Atal Nagar, Chhattisgarh - 492002

2 - Chhattisgarh Professional Examination Board Vyapam Bhawan, North Block, Sector-19, Atal Nagar, New Raipur, Chhattisgarh

3 - National Health Mission Through Its Mission Director, Swasthya Bhawan, 3rd Floor, Sector-19, Nava Raipur, Atal Nagar, Chhattisgarh – 492002

4 - The Chief Medical And Health Officer District - Gariyaband, Chhattisgarh

5 - The Chief Medical And Health Officer District - Bemetara, Chhattisgarh

6 - The Chief Medical And Health Officer District - Bijapur, Chhattisgarh

7 - Directorate Of Health Services Through Its Director, 3rd Floor, Indrawati Bhawan, Nava Raipur, Atal Nagar, Chhattisgarh – 492002

... Respondents

**Order Sheet**

25/07/2025	Heard Mr. Harshwardhan Parganiya, learned counsel for the petitioners as well as Mr.Prafull Bharat, learned Advocate General assisted by Mr.S.S.Baghel, learned Deputy Government Advocate appearing for the respondents No.1 and 4 to 7/State and Mr.Animesh Tiwari, learned counsel appearing for respondent No.2-CGVYAPAM and Mr.C.J.K.Rao, learned counsel appearing for respondent No.3-National Health Mission. Learned counsel for the petitioners submits that the petitioners have filed this writ petition against the advertisement dated 30.06.2025 issued by respondent No.3, whereby the essential qualification for the post of Pharmacist (Grade-II) has been restricted solely to the candidates possessing a Diploma in Pharmacy, thereby excluding the candidates holding a Degree in Bachelor of Pharmacy (B. Pharma) or any other equivalent or a higher qualification from applying for the said post, despite being duly registered with the Pharmacy Council and being fully qualified. He further submits that the petitioners further challenges the vires of Entry No. 08 to Schedule-III of the



Chhattisgarh Health and Family Welfare Department Non-Ministerial Para-Medical and Nursing (Directorate of Health Services) Class III Service Recruitment Rules, 2013 ("Service Recruitment Rules, 2013") which prescribes such restrictive eligibility criteria in terms of academic qualification. He also submits that the impugned advertisement and the relevant provisions contained in the Service Recruitment Rules, 2013, by treating "Diploma" as the sole or 'prescribed' qualification rather than the minimum qualification, amount to a manifestly arbitrary classification, lacking intelligible differentia or any rational nexus with the object of recruitment, thereby violating the fundamental rights of the petitioners guaranteed under Articles 14 and 16 of the Constitution of India, 1950. The exclusion of graduates possessing higher qualifications from consideration is not only unreasonable but also ultra vires the constitutional scheme and the principles of fair and equal opportunity in public employment. He places reliance on the judgment of the Apex Court in ***Puneet Sharma & Others etc. v. Himachal Pradesh State Electricity Board Ltd. & Another*** {C.A. No. 1318-1322 of



2021} wherein the Apex Court had directed the State to allow the degree holders to participate in the recruitment process and further to process candidature of all applicants, including the degree holders who participated.

Mr. Prafull N. Bharat, learned Advocate General submits that at present, he is not having any instructions in the matter and as such, he may be permitted to seek instructions and file appropriate return.

Since learned Advocate General appears on behalf of the State/respondents No. 1 and 4 to 7 as well as Mr.Animesh Tiwari, learned counsel appears on behalf of respondent No.2-CGVYAPAM and Mr.C.J.K.Rao, learned counsel appears on behalf of respondent No.3-National Health Mission, issuance of notice to the respondents are dispensed with.

As prayed, learned State counsel as well as learned counsel for the respondent-CGVYAPAM are granted four weeks' time to file their respective returns and thereafter, two weeks' further time is granted to the petitioners to file rejoinder, if so advised.

Considering the fact that since the last date for



submission of the online form in the portal of the CGVYAPAM is upto 5 p.m. of 25.07.2025, the respondent-State is directed to issue necessary instruction to the respondent-CGVYAPAM who has to conduct the examination, to make necessary changes/amendments in the online portal for the intending candidates / participants of the examination in question for submission of their online forms and the petitioners are at liberty to submit their forms in the online portal, however, their participation shall be subject to the final out come of the present petition.

It is made clear that **this order would operate *in rem and not in personam*** and would be applicable to all the similarly situated candidates having Degree in Bachelor of Pharmacy (B. Pharma) or any other equivalent or a higher qualification, subject to the condition that they fulfill other requisite criteria as may be prescribed by the respondent Department in the advertisement in question.

Learned Advocate General shall convey about the order passed by this Court today to respondent No.2 as it is stated that today is the last date for submission of online



forms by the candidates and respondent No.2 may extend the date further.

List this matter after six weeks for final hearing.

Sd/-

(Bibhu Datta Guru)

JUDGE

Sd/-

(Ramesh Sinha)

CHIEF JUSTICE

Bablu