



CGHC010039752025



2026:CGHC:44255-DB

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### WPS No. 976 of 2025

Haigriv Parihar S/o Krishna Kumar Parihar Aged About 36 Years  
Resident Of Govindpur, P.O. Govindpur, Kanker, Distt. North Bastar  
Kanker C.G.

Address- 3066, Bada Bhawai Nagar, Near Hanuman Mandir, Kota,  
Raipur, Distt. Raipur Chhattisgarh.

... **Petitioner(s)**

**versus**

**1** - State Of Chhattisgarh Through The Secretary/ Upper Secretary  
Department Of Culture And Archaeology, Mantralaya, New Raipur, Distt.  
Raipur (Chhattisgarh)

**2** - Directorate Of Archaeology And Museum Raipur C.G. Through The  
Director, Raipur, Chhattisgarh

**3** - Chhattisgarh Public Service Commission Through The Secretary,  
Shankar Nagar, P.O. Shankar Nagar, Distt. Raipur, Chhattisgarh.

...**Respondents**

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For Petitioner : Mr. Raza Ali, Advocate.

For Respondent-State : Mr. Shashank Thakur, Addl AG.

For Respondent-CGPSC : Dr. Sudeep Agrawal, Advocate.

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**Hon'ble Shri Krushna Ram Mohapatra, Chief Justice**

**Hon'ble Shri Santosh Sharma, Judge**

**Judgment on Board**

**Per Krushna Ram Mohapatra, Chief Justice**

**13.10.2026**

1. Petitioner, in this writ petition, prays for the following reliefs:

**A.** A writ and/or an order in the nature of writ of appropriate nature do issue commanding and directing the respondents to produce before this Hon'ble Court 'travaux preparatoires' leading to enactment of the Rules of 2014 (Chhattisgarh Public Service Commission Rules of Procedure, 2014) and also all the relevant records pertaining to the case of the petitioners for its kind perusal.

**B.** A writ and/or an order in the nature of writ of appropriate nature do issue declaring the Chhattisgarh Public Service Commission Rules of Procedure, 2014 as Ultra Vires to the constitution of India, and other relevant legislation under which the same have been framed and also beyond the rule making authority and in particular Rule 19.2 be declared illegal, arbitrary as it infringes fundamental rights of a citizen to be considered and appointed to a government post and making provisions extinguishment of such right, in the facts and circumstances of the case.

**C.** A writ and/or an order in the nature of writ of appropriate nature do issue quashing the order dated 02.12.2024 (Annexure P-2) passed by the respondent no.1 being illegal, arbitrary and in effect direct the respondent authorities to give effect to the selection process of the petitioner by taking steps for appointment of the petitioner on the post of Archaeology Officer.

**D.** Any other relief which this Hon'ble Court may deem fit in the facts & circumstances of case.

**E.** Cost of the petition may also be awarded.”

**2.** Relevant facts for adjudication of this writ petition are that pursuant to advertisement dated 31.05.2023 (Annexure P-3) issued for recruitment to various posts, the petitioner applied for the post of 'Archaeology Officer' and participated in the selection process along-with other candidates. Upon completion of the selection process, the merit list was published on 17.08.2023 reflecting the name of the petitioner at Serial No.1. After publication of the merit list, the petitioner was asked to submit the requisite documents in original for verification, to which, he submitted the original documents on 04.10.2023 and said documents were verified and found to be correct vide order dated 09.10.2023 (Annexure P-15 colly). Accordingly, respondent No.2/Directorate of Archaeology and Museum, Raipur vide its letter dated 09.10.2023 recommended for issuance of appointment order in favour of the petitioner to the post of 'Archaeology Officer'. However, till date no appointment order was issued in favour of the petitioner by the State Government. Hence, this writ petition has been filed seeking aforesaid reliefs.

**3.** Learned counsel for the petitioner submits that there were certain allegations with regard to the educational qualification of some candidates, for which, direction was made for detailed enquiry with regard to the genuineness of the documents submitted by the

candidates. However, no allegation was made either in respect of post of the petitioner or against the petitioner. Thus, there was no difficulty in issuing the appointment order in favour of the petitioner for appointment to the post of 'Archaeology Officer'. The State Government on the plea that enquiry in respect of the veracity of the documents submitted by the candidates are under process, did not issue appointment order in favour of the petitioner. In the meantime, by operation of Rule 19.2 of the Chhattisgarh Public Service Commission Rules of Procedure, 2014 (for brevity, 'Rules of 2014'), the validity of the merit list, in which, the petitioner's name found place at Serial No.1 expired. However, the petitioner made several representations before the concerned Authority for issuance of the appointment order in his favour; lastly the petitioner made a representation on 22.08.2024 which was rejected vide order dated 02.12.2024 (Annexure P-2) stating *inter-alia* that the validity of the merit list prepared pursuant to the selection test held in terms of advertisement under Annexure- P/3 had already expired. Hence, case of the petitioner for appointment to the post of 'Archaeology Officer' could not be considered. Learned Counsel further submits that due to serious laches and negligence on the part of the State Government, no appointment order could be issued in favour of the petitioner despite recommendation of respondent No.2/Directorate to issue the appointment order in his favour. Thus, the petitioner should not have made to suffer for the laches on the part of the State

Government. Therefore, petitioner prays for a direction to issue the appointment order in his favour at the earliest, if necessary by declaring the Rules 19.2 of the Rules of 2014 to be ultra vires.

4. Learned Additional Advocate General, by referring to the reply filed by the State Government, submits that due to certain allegations made in respect of some of the candidates with regard to submission of forged documents, a verification process was initiated and due to continuance of the verification process, no appointment order could be issued to any of the candidates including the petitioner within the validity period of the merit list. The enquiry was completed only on 04.06.2024 and on the same day, a report was also submitted by respondent No.2/Directorate after verification of the documents of the candidates. Thus, the respondents-State have no role in not issuing the appointment order in favour of the petitioner within one year from the date of publication of the merit list. The State Government also requested the respondent No.3/CGPSC to extend the validity period of the merit list, which was not allowed in view of the provision under Rule 19.2 of the Rules of 2014. Hence, the State Government cannot be said to have been at fault for not issuing the appointment order in favour of the petitioner in time.

5. Learned counsel for respondent No.3/CGPSC submits that the rules have been framed by the CGPSC for smooth conduct of different selection process. Rule 19.2 of the Rules 2014 is applicable to all candidates and to all selection process. There

was no deviation in respect of the petitioner. He further submits that by the time a prayer was made for extension of validity period of merit list, the enquiry which was being conducted by respondent No.2/Directorate was not complete. Since the petitioner does not challenge the merit list, the respondent no.3 has no say in the matter. Further, respondent No.3/CGPSC has no role to play in not issuing the appointment order in favour of the petitioner in time.

6. Heard learned counsel for the parties and perused the material available on record.
7. Upon hearing learned counsel for the parties and on perusal of the record, it is apparent that the merit list was published on 17.08.2023 by respondent No.3/CGPSC. In terms of Rule 19.2 of the Rules of 2014, the validity period of such merit list was one year from the date of publication. After verification of documents, respondent No.2/Directorate had also recommended for issuance of necessary appointment order in favour of the petitioner on 09.10.2023 to the State Government as he was at Serial No.1 in the merit list. However, in the meantime some allegations were made against some of the candidates for submitting of forged documents, for which, an enquiry was being conducted by respondent No.2. It is not disputed that no allegation was made either in respect of post of the petitioner or against the petitioner. The documents of petitioner was verified and found to be correct. Thus, there was no difficulty on the part of the State Government

in acting upon the recommendation made by respondent No.2 and to issue appointment order in favour of the petitioner, when the merit list published by respondent No.3 was valid. On the plea of the enquiry being conducted, no appointment order was issued in favour of the petitioner. It appears from the undisputed facts that petitioner was no way responsible for the delay in issuance of the appointment order in his favour. The appointment order was probably not issued due to pendency of the enquiry being conducted on the allegations against some of the candidates and not against the petitioner. Issuance of appointment order in favour of the petitioner was unnecessarily delayed, resulting in the expiry of the validity of the merit list and ultimately, no appointment order could be issued in favour of the petitioner. As such, State Government should have issued the appointment order in favour of the petitioner at once after receiving the recommendation from the respondent no.3 following due procedure.

8. In view of the above, this Court is of the considered opinion that the petitioner has no contribution for the delay in issuance of the appointment order in his favour and no plausible ground has been shown by the State Government for delay in issuance of appointment order in favour of the petitioner for appointment to the post of the 'Archaeology Officer'. Hence, this Court directs that the appointment order in respect of the petitioner for the post of 'Archaeology Officer' shall be issued at once following due procedure, if there is no other legal impediments.

9. It is made clear that the entire exercise shall be completed within a period of 'four weeks' and the decision taken shall be duly communicated to the petitioner. It is further made clear that in view of the facts and circumstances of the case as well as the discussion made above, the prayer for declaring Rule 19.2 of the Rules 2014 to be ultra vires is not required to be considered.
10. In the result, order dated 02.12.2024 (Annexure P-2) is hereby quashed and the writ petition is allowed to the aforesaid extent.

**Sd/-**  
**(Santosh Sharma)**  
Judge

**Sd/-**  
**(Krushna Ram Mohapatra)**  
Chief Justice