

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 06 of 2015**

Raj Kumar Sharma, S/o late Shri Ramswaroop Sharma, Aged About 40 years, Permanent Resident of House No. F/9, New Minal Colony, J.K. Road Bhopal, (MP), at present posted as Contract Assistance Professor at Medical College Jagdalpur and Residing House No. 20/B Medical College Campus, Dhimrapal, Jagdalpur, Police Station Kotwali, Civil & Revenue District Bastar, Chhattisgarh

---- Appellant

Versus

1. State of Chhattisgarh, Through Secretary, Medical, Health and Family Welfare Department, DKS Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. The Secretary, Chhattisgarh Public Service Commission, Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Sandeep Dubey, Advocate
For Respondent No.1/State	:	Shri U.N.S. Deo, Government Advocate
For Respondent No.2	:	Dr. N.K. Shukla, Senior Advocate with Shri Y.C. Sharma, Advocate.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Judgment on Board**Per NAVIN SINHA, C.J.****05/05/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 1655 days in filing the appeal.
2. Learned Counsel for the Appellant submits that his application for the post of Assistant Professor (Pharmaceutical Chemistry) in response to advertisement dated 27.9.2008 published by the

Chhattisgarh Public Service Commission (hereinafter referred to as 'the PSC') was wrongly rejected on the ground that in his application he had named the Department applied for as Pharmacology instead of Pharmaceutical Chemistry. Writ Petition (S) No. 2256 of 2010 filed by him, challenging the same was dismissed on 6.5.2010. Subsequently, the Appellant learnt that a similarly situated person Dr. Suresh Kumar Dwivedi, had likewise submitted a defective application form like the Appellant. Dr. Dwivedi had been granted relief in Writ Petition (S) No. 4001 of 2011 by order dated 29.3.2012. Pursuant to the same, Dr. Dwivedi has been given appointment in 2014 on the post of Assistant Professor (Pharmacology). The Appellant then made enquiries and has filed the present appeal. Learned Senior Counsel, Dr. N.K. Shukla appearing for the PSC has opposed the application for condoning delay.

3. The Learned Single Judge while dismissing the writ petition on 6.5.2010 held that if the Appellant had filled up the Department as Pharmacology which constituted a different Clinical Department from Pharmaceutical Chemistry and his application showed that he did not possess the requisite qualification for Pharmacology, the Respondents committed no error in rejecting his application for the post of Assistant Professor, Pharmacology (Non-Clinical). The conclusion merits no interference by us.

4. In absence of any proper explanation for the delay, which we consider gross and inordinate, we are not inclined to condone the same. The application for condonation acknowledges awareness in October, 2010 itself regarding dismissal of the writ application, but offers no sufficient acceptable explanation for the delay. The law

stands settled that relief on basis of parity can also be denied to those who are indolent and not vigilant for protection of their own interest forming a class by themselves under Article 14 of the Constitution of India.

5. The application for condonation of delay is rejected.
6. The appeal consequently automatically fails and is dismissed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE