

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2790 of 2014

- Yogita Uike Daughter of Maroti Rao Uike, Aged About 38 years
Resident of Quarter No. 28-A, Sector-2, Bhilai, Police Station - Bhilai,
Tahsil and District-Durg (C.G.)

---- Petitioner

Versus

1. State Of Chhattisgarh, Through the Secretary, Water Resources
Department, Mantralaya, New Raipur, P.S. Rakhi, District Raipur,
(C.G.)
2. The Engineering-In-Chief, Water Resources Department, Sihawa
Bhawan, Raipur, (C.G.)
3. Ku. Sandhya Tandekar Daughter of Shri Mahesh Kumar Tandekar,
Assistant Engineer, Public Health Engineering Department, Sub
Division, Mahasamund, District-Mahasamund, (C.G.)

---- Respondents

For Petitioner	: Shri Anup Majumdar, Advocate
For Respondent/State	: Shri Bhaskar Payasi, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

30/06/2015

1. Petitioner participated in the recruitment of Sub Engineer (Electrical/Mechanical) held in the year 2013, conducted by the Chhattisgarh Professional Examination Board. The petitioner was successful in the examination and was issued an intimation vide Annexure P/2 informing her that the counselling shall take place on 27/01/2014.

2. Indisputably, the petitioner did not appear in the counselling neither moved any application on that date allowing her to appear for counselling on any other date. An application was moved by the petitioner on 29/01/2014 presenting herself for counselling which has not been acted upon by the respondent-department. Because of

petitioner's failure to appear in the counselling the next successful candidate in the merit list i.e. the respondent No. 3 has been offered appointment vide Annexure P/4 and the said candidate is presently working on the post for last more than a year.

3. In the letter of counselling Annexure P/2 it is clearly mentioned that such candidate who fails to appear in the counselling on the given date shall not be considered for appointment and no information in this regard shall be sent to the candidate. In view of this stipulation, the respondent-department cannot be blamed for not allowing the petitioner to appear in the counselling on a subsequent date.

4. In view of the clear stipulation in the letter of counselling, the petitioner does not have any enforceable right to seek issuance of a writ of mandamus compelling the authorities to permit her to appear in the counselling. It was for the department to have considered the petitioner's application even at the subsequent stage, however, if the department have not agreed, this Court cannot issue a mandamus in this regard.

5. Accordingly, the writ petition is dismissed, however, the respondent-department may consider petitioner's request, if it so desires.

Sd/-

JUDGE
(Prashant Kumar Mishra)