

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2081 of 2015**

1. Neha Patel, D/o Murli Dhar Patel Aged About 23 years, R/o -Kailash Nagar, Rambhatha Raigarh Thana - Raigarh, District Raigarh (C.G.)
2. Satish Kumar Dewangan S/o- Vinay Kumar Dewangan Aged About 23 Years R/o Near Post Office Banglabhata Bilaigarh Post - Bilaigarh Thana- Bilaigarh District Baloda Bazar- Bhatapara (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh Thourgh The Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Director, The Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homoeopathy (Ayush), Directorate Old Nurses Hostel, Raipur, Raipur, Block -1,IIIrd Floor, Indrawati Bhawan, Naya Raipur, District Raipur (C.G.)

---- Respondents**And****WPS No. 2083 of 2015**

1. Hemraj Sahu S/o Budharu Ram Aged About 25 years R/o Gram & Post- Bakma, Tahsil & Thana- Baghbahra District Mahasamund (C.G.)
2. Vinod Kumar Sahu S/o - Sonu Ram Sahu Aged About 24 Years R/o Village- Kurmadih, Post- Rikokala Thana- Sankara Jone (Block Pithora) District Mahasamund (C.G.)
3. Manohar Sahu S/o - Videshram Sahu Aged About 24 Years R/o Gram & Post - Bade Sajapali Via- Basna Thana Basna District Mahasamund (C.G.)

---- Petitioners**Vs**

1. State of Chhattisgarh Thourgh The Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Director, The Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homoeopathy (Ayush), Directorate Old Nurses Hostel, Raipur, Raipur, Block -1,IIIrd Floor, Indrawati Bhawan, Naya Raipur, District Raipur (C.G.)

---- Respondents

And

WPS No. 2085 of 2015

1. Deena Nath Sahu, S/o Sitaram Sahu Aged About 24 years, R/o- Gram- Misda Via -Sheorinarayan, Thana- Navagarh District Janjgir Champa (C.G.)
2. Rameshwar Prasad S/o- Chandrika Prasad Aged About 26 Years R/o Gram- Gangajal, Post- Misda, Via- Sheorinarayan Thana -Navagarh District Janjgir Champa (C.G.)
3. Pratap Sahu S/o- Dilchand Sahu Aged About 26 Years R/o -Gram- Chisada, Post - Pendari, Thana -Hasoud District Janjgir Champa (C.G.)

---- Petitioners

Vs

1. State of Chhattisgarh Thourgh The Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (C.G.)
2. The Director, The Ayurveda, Yoga And Naturopathy, Unani, Siddha And Homoeopathy (Ayush), Directorate Old Nurses Hostel, Raipur, Raipur, Block -1, Illrd Floor, Indrawati Bhawan, Naya Raipur, District Raipur (C.G.)

---- Respondent

For Petitioners	:	Shri Mateen Siddiqui, Advocate
For Respondents/State	:	Shri Y.S. Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

17/06/2015

1. Petitioners have assailed the impugned memo dated 8-5-2015, whereby the Directorate of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy (Ayush), Chhattisgarh has cancelled the process of recruitment of the post of Pharmacist Ayurveda, Pharmacist Homeopathy & Pharmacist Unani commenced earlier by issuing advertisement dated 1-3-2014.
2. Learned counsel for the petitioners would submit that the impugned order

does not disclose any reason, much less any valid reason for cancellation of the selection process, therefore, it is arbitrary. He would further submit that the petitioners have been orally informed by the authorities that the advertisement has been cancelled because the same was confined to Raipur, Bilaspur and Bastar Division and the name of Surguja Division could not be included in the advertisement. Thus, according to him, even if Surguja Division was not mentioned, candidates from Surguja Division were not prohibited from participating and as a matter of fact, several candidates from the said Division have taken part in the recruitment process.

3. Learned State counsel would inform, on instructions, that the State Scheduled Tribe Commission has issued a communication addressed to the Secretary of the Department that in the subject advertisement, the name of Surguja Division is not mentioned, which has the effect of ignoring reservation roster of Surguja Division. He would submit that non-adherence to the roster of Surguja Division would have vitiated the entire selection, therefore, to avoid the same, advertisement has been canceled and a fresh advertisement would be issued for filling up the posts.
4. It is settled law that a candidate appearing in a recruitment process has no right to the post, therefore, if the authorities decide to cancel the recruitment process for any substantial reason, the Court would not interfere with the said decision. Petitioners' right to participate in the future selection process is not taken away and it will always remain open for the petitioners to participate in the selection process whenever posts are advertised. Since the petitioners would be entitled to participate in the fresh selection and none of their statutory or fundamental right has been violated by the impugned cancellation, no case for entertaining these writ petitions is made out. Accordingly, the writ petitions are dismissed.

5. Copy of the letter written by the Commission to the State Government has been supplied to learned counsel for the petitioners.

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