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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2956 of 2015**

- Sarita Banjare D/o Shri A.D. Banjare Aged About 30 years R/o Swami Vivekanand Colony, Jashpur, District Jashpur (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Naya Raipur (Chhattisgarh)
2. Collector, District Jashpur (Chhattisgarh)
3. Neeraj Kumar Roshan S/o Shri J.R. Roshan Aged About 37 Years R/o Ward No. 5, Shastri Ward, Deepatoli, Jashpur, District Jashpur (Chhattisgarh)
4. Anil Kumar Mirre S/o Shri Radheshyam Mirre Aged About 28 Years R/o Ward No. 15, Village Bhathudand, Post Diwanpur, Tahsil Pathalgaon District Jashpur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Sushil Dubey, Advocate
For Respondent-State	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/08/2015**

1. Petitioner is aggrieved by her non-selection and the selection of respondents No.3 & 4 on the post of Assistant Grade-III in the establishment of District Collectorate, Jashpur.
2. In the advertisement issued by the office of Collector, Jashpur vide Annexure P-2, amongst several other posts, 41 posts of Assistant Grade-III were advertised, out of which six posts were reserved for Schedule Caste

candidates. Out of the said six posts, two posts were horizontally reserved for Schedule Caste (Woman) Category candidates.

3. The petitioner has been placed at waiting list No.1 in the list of schedule caste category candidates. Her case in the writ petition, as projected in the pleadings and documents, is that respondents No.3 & 4 have been appointed as against quota reserved for Schedule Caste (Woman) wherein the petitioner should have been appointed.
4. Shri Dubey, learned counsel for the petitioner would submit that when the petitioner sought information under Right to Information Act, 2005, it was informed that there are instructions to fill up post of Schedule Caste (Woman) Category candidates from the Schedule Caste (Male) Category candidates, if Schedule Caste (Woman) candidates are not available, therefore, since in the select list issued on 3.11.2012 name of respondents No.3 & 4 were not included, it is apparent that they were subsequently appointed under Schedule Caste (Woman) category.
5. Annexure P-8 is the information supplied by the office of District Collector, Jashpur. In the said communication, it is mentioned that on 3.11.2012 six schedule caste candidates namely; Shiv Kumar Bhartendu, Santosh Kumar Banjare, Jageshwari Tandan, Kanahiya Lal Mirre (Schedule Caste Open), Kishan Bai Maheshwari and Nileshwari Tandan (Schedule Caste Woman) were appointed. Jageshwari Tandan had secured 70.60% marks and Kanahiya Lal Mirre had secured 63.90% marks, whereas respondents No.3 Neeraj Kumar Roshan had secured 72.35% and respondent No.4 Anil Kumar Mirre had secured 71.22% marks in the competition, therefore, these two candidates have been placed in the Schedule Caste (Open) Category candidates and accordingly the appointment order was issued on

21.01.2013.

6. In the said communication, it is also mentioned that for two posts of Schedule Caste (Woman) category appointment orders were issued on 3.11.2012 in favour of Kishan Bai Maheshwari and Nileshwari Tandan, however, Jageshwari Tandan had secured more marks than Kishan Bai Maheshwari and Nileshwari Tandan, therefore, subsequently, Jageshwari Tandan and Kishan Bai Maheshwari were appointed under Schedule Caste (Woman) Category candidate, in that order. Appointment of Kanahiya Lal Mirre as Schedule Caste (Open) Category candidate and appointment of Nileshwari Tandan as Schedule Caste (Woman) Category candidate were cancelled on 21.11.2012. It is categorically mentioned in the concluding part of point No.3 of the said communication that any male candidate has not been appointed against the post reserved for Schedule Caste woman candidate.
7. Petitioner has not submitted any substantial document or any other clinching proof to contradict the said observation/finding recorded in the communication issued by the Collector, Jashpur. Thus, the appointment of respondent No.3 & 4 has been made against the Schedule Caste (Open) Category post and not against the post reserved for Schedule Caste (Woman) Category. Admittedly, petitioner has secured less marks than the respondents No.3 & 4.
8. There is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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