

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 107 of 2015**

Harishankar Joshi S/O Budharu Lal Aged
About 44 years Lecturer, Posted At Pt.
Chakrapani Shukla Govt. Hr. Sec. School
Balodabazar, P.S. Balodabazar, Civil And
Revenue District Baloda Bazar-
Bhatapara, C.G.

---- Appellant

Versus

1. State Of Chhattisgarh & Ors. S/o Through
Secretary, General Administration
Department, Mantralaya, Mahanadi
Bhawan, New Raipur, C.G.
2. Secretary State Of Chhattisgarh, School
Education Department, Mantralaya,
Mahanadi Bhawan, New Raipur, C.G.
3. Directorate Public Education, Raipur, C.G.

---- Respondents

For Appellant:
For Respondent:

Smt. Hameeda Siddiqui
Shri UNS Deo, Govt. Advocate

Hon'ble The Acting Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Acting Chief Justice****05/03/2015**

1. The present appeal arises from order dated 06.02.2015 dismissing Writ Petition (S) No.3053/2014. The Learned Single Judge held that in view of the amendment to the Chhattisgarh Public Services (Promotion) Rules, 2003 (hereinafter referred to as the 'Rules') as amended on 26.11.2012, the DPC on 22.01.2014 rightly considered the Scheduled Caste candidates on basis of 12% reservation only based

on the total strength of the cadre and not the available vacancies as on the date of consideration by the DPC.

2. Learned Counsel for the Appellant submits that prior to the amendment of the Rules on 26.11.2012, 16% reservation was provided for Scheduled Caste candidates. The eligible candidates have already availed the benefit of reservation. If by subsequent amendment, the vacancy is sought to be reduced for Scheduled Caste candidates, not only should it be done on basis of available vacancies but also that the roster point should be worked out afresh and not on basis of the promotions already granted on basis of 16% reservation which posts have already stood filled under the earlier policies.

3. Learned Counsel for the State also has opposed the appeal.

4. We have considered the submissions on behalf of the parties.

5. In our opinion, the Learned Single Judge has rightly held that the reservation roster has to be worked out in accordance with the cadre strength and not in accordance with the available vacancies. If the argument of the Appellant is to be accepted, it would create a highly anomalous position with wide variation in the reservation for Scheduled Caste candidates and ultimately take it beyond the 12% visualized under the Rules as amended on 26.12.2012.

6. There is no challenge to the Rules with regard to the quantum of reservation permissible to Scheduled Caste candidates.

7. We find no reason to interfere with the order under appeal.

8. The appeal is dismissed.

ACTING CHIEF JUSTICE

JUDGE

Priya