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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3293 of 2015**

- Gokul Das Manikpuri S/o Amol Das Manikpuri, Aged About 36 Years R/o Ward No. 03, Near Hariom Chowk, Kailash Nagar, Kawardha, Police Station & Tahsil Kawardha, Civil And Revenue District Kabirdham (Chhattisgarh)

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Urban Administration And Development Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. The Collector, Kawardha, District- Kabirdham (Chhattisgarh)
3. Chief Municipal Officer, Municipal Council, Kawardha, District Kabirdham (Chhattisgarh)
4. Dev Kumar Sahu S/o Rohit Kumar Sahu, Aged About 22 Years R/o Village Neurgaon Khurd, Police Station And Tahsil Bodla, District Kabirdham (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri Tarun Dadsena, Advocate on behalf of Shri Dharmesh Shrivastava, Advocate
For Respondent	:	Shri YS Thakur, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****11/09/2015**

1. Petitioner has called in question the appellate order passed by the Collector, Kabirdham, whereby petitioner's appeal challenging his non-selection and selection of respondent No.4 on the post of Peon in the Municipal Council, Kawardha has been rejected.
2. Petitioner is a daily wage labourer working in the Municipal Council,

Kawardha. Pursuant to the advertisement dated 6-7-2013, the petitioner and respondent No.4 along with many other candidates appeared in the selection process, wherein respondent No.4 was placed at merit position No.1. The petitioner was placed at merit position No.8.

3. The main ground of challenge before the Collector was that the petitioner being employed as daily wage labourer in the Municipal Council, Kawardha, he should have been preferred for employment in view of the clause 6 of the conditions of the advertisement. While dealing with this ground of challenge, the Collector has observed that preference is admissible to a candidate when he has secured equal marks with the other selected candidate, however, since admittedly petitioner is at serial No.8 in the merit list, the preference clause is not attracted.
4. Upon hearing learned counsel for the parties, this Court would not draw any exception with the findings recorded by the Collector.
5. There is no substance in the writ petition. It fails and is hereby dismissed.

Sd/-

Judge

Prashant Kumar Mishra

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