

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 6096 of 2014

1. Radhe Shyam Karpal S/o Uday Ram Karpal Aged About 44 Years R/o Qrt. No. E-77, Bijali Colony Bhilai-3, PS Bhilai-3 Dist. Durg Cg

---- Petitioner

Versus

1. Chhattisgarh State Power Holding Company Limited Through The Chairman Chhattisgarh State Power Distribution Company Limited Danganiya Dist. Raipur Cg
2. The General Manager(HR) Chhattisgarh State Power Holding Company Limited Raipur Cg
3. The Deputy General Manager(HR)-II Chhattisgarh State Power Holding Company Limited Raipur Cg
4. The Executive Engineer(O & M) Chhattisgarh State Power Distribution Company Ltd Bhilai-3 Division Dist. Durg Cg

---- Respondent

For Petitioner

Shri Jitendra Gupta & Shri R.R. Soni, Advocates

For Respondents

Shri K.R. Nair, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/10/2015

1. Petitioner is aggrieved by the impugned advertisement issued by the respondent for recruitment to the post of Law Assistants.
2. At the very outset, learned counsel for the respondents would submit that during pendency of the writ petition the recruitment process is complete and the candidates have already been appointed.

3. Petitioner is challenging the advertisement on the ground that he has worked with the respondents as Junior Engineer, therefore, being candidate already working with the respondents, some posts should have been reserved for departmental candidates. It is argued that there was a practice prevalent in the respondent company for reserving some seats for departmental candidates, which has not been followed in the impugned advertisement.
4. Apart from the fact that the petitioner has participated in the selection process without any demur, but later on preferred this writ petition to challenge the advertisement though, before issuance of the result, in view of the laid down by the Supreme court in **Dhananjay Malik and Others v. State of Uttaranchal and Others**¹, the petitioner cannot be allowed to challenge the advertisement. If the candidate had any valid objection, he should have challenged the advertisement and selection process without participating in the selection process.
5. In addition, the petitioner has failed to point out any constitutional or statutory provision or any decision which binds the respondent company to reserve any percentage of posts for departmental candidates. The decision to reserve some posts for departmental candidates in the past or for that matter not reserving any post for departmental candidates in the impugned advertisement is essentially a policy decision of the respondents, which is not assailable in writ jurisdiction. Every employer is at liberty to reserve or not to reserve

¹ (2008) 4 SCC 171

posts for one or the other groups, depending upon its own need and the writ Court should not come in the way.

6. As a result, the writ petition, being bereft of merit, is liable to be and is hereby dismissed. No order as to costs. Sd/-

Judge

Prashant Kumar Mishra

Gowri