

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3632 of 2015

1. Vijay Singh Paikra S/o Puniram Paikra, Aged About 24 Years R/o Village Mudpar, Tahsil Kasdol, District Baloda Bazar Bhatapara (Chhattisgarh)
2. Laxmikant Nayak, S/o Aatmaram Nayak, Aged About 29 Years R/o Village Chandan, Tahsil Kasdol, District Baloda Bazar Bhatapara (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Department Of Panchayat And Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh),
2. Collector, District Baloda Bazar Bhatapara (Chhattisgarh)
3. Chief Executive Officer, Zila Panchayat, District Baloda Bazar Bhatapara (Chhattisgarh)

---- Respondent

For Petitioner	Mr. S.K. Guha, Advocate
For Respondent /State	Mr. Y.S. Thakur, Dy. A.G.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

8/10/2015

Heard finally with the consent of learned counsel for the parties.

(2) The petitioners are challenging the advertisement issued by the Zila Panchayat, Baloda Bazar, Bhatapara for recruitment of Panchayat Secretaries, together with the select list published on 09.09.2015.

(3) Admittedly, the petitioners have participated in the selection process and are thereafter, challenging the recruitment. Moreover, the

petitioners have not arrayed the candidates whose names have been published in the select list.

(4) Apart from the fact that the petitioners have participated in the selection process without any demur, but later on preferred this writ petition to challenge the advertisement, in view of the laid down by the Supreme Court in **Dhananjay Malik and Others v. State of Uttaranchal and Others, 2008 (4) SCC 171**, the petitioners cannot be allowed to challenge the advertisement. If the candidates had any valid objection, they should have challenged the advertisement and selection process without participating in the selection process.

(5) Similarly in case of **Ranjan Kumar vs. State of Bihar and others (Civil Appeal No.4455-4458 of 2009 decided on 16.04.2014)**, it has been held that unless the selected candidates are joined as party in a writ petition, wherein, the selection is challenged, the writ petition is not maintainable.

(6) For the forgoing, the writ petition is dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

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