

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 700 of 2015

- Om Prakash Chandra, S/o Late Shri Shyam Kumar Chandra, Aged About 34 Years Roll No. 012 For Post Of Artist, R/o Village Kansa, Post Office Kansa, P.S. Dabhara, Tahsil Dabhara, Civil & Revenue District (Revenue And Civil) Janjgir-Champa, C.G. Pin 495688

---- Petitioner

Versus

1. State of Chhattisgarh, through The Secretary Health And Family Department, Mahanadi Bhawan Mantralaya, Raipur, Tahsil And District (Civil & Revenue) Raipur, C.G. Pin 492001
2. Director Medical Education, Directorate Medical Education Department, Indrawati Bhawan 2nd Floor, New Raipur, Tahsil And District (Civil & Revenue) Raipur, C.G. Pin 492001
3. Dean Chhattisgarh Institute Of Medical Science Bilaspur (C.I.M.S.) Post Office GPO Bilaspur, P.S. Civil Lines, Tahsil And District (Civil And Revenue) Bilaspur, C.G.

---- Respondents

For Petitioner : Shri VK Deshmukh, Advocate
For Respondents/State : Shri YS Thakur, Dy AG

Hon'ble Shri Deepak Gupta, Chief Justice

ORDER

05.08.2016

- 1) Heard on IA- 02 of 2016, application for hearing the matter out of turn.
- 2) Case of the petitioner is that he had applied for the post of Artist in the Chhattisgarh Institute of Medical Science (CIMS), Bilaspur, consequent to an advertisement issued by the CIMS. Total 14 candidates applied for the said post and admit cards were issued to all of them to appear in a written

test on 05.03.2013. Further, only two candidates including the present petitioner appeared in the written test. Thereafter, interview was conducted on 20.03.2013 and the petitioner was found suitable, but appointment has not been given to him. Hence this petition.

- 3) Submission of the State is that only two candidates appeared in the written test. Therefore, the State has decided not to fill-up the post of Artist.
- 4) This procedure is highly illegal and erroneous. The petitioner is admittedly the most meritorious, but appointment has not been given to him. First of all there is nothing in the advertisement which indicates that if the number of candidates appearing in the written test is only two, then no appointment shall be made. Further more, if that is the stand of the State, then, why the petitioner was subjected to undergo written test. Before holding the written test it should have been clarified that if the number of candidates is less than the desired number, then the entire recruitment process shall be cancelled. Once a person has cleared the written test and is successful in interview, it does not lie in the mouth of the State to urge that appointment will not be given only on the ground that only two persons appeared for the written test.
- 5) Reliance placed by the respondents on the communication dated 07.05.2014 is totally misplaced. This letter deals with

holding screening test and short-listing of the candidates and in these circumstances, it has been said that if the number of applicants is less than 10, no short-listing for screening is required. There is no condition in this letter that if number of candidates is less than 10, then no appointment will be made. In fact, there can be no such condition.

- 6) Considering the aforesaid facts and circumstances, this Court directs the respondents to consider the case of the petitioner for appointment in CIMS on the post of Artist, subject to his meeting other criteria like medical fitness and police verification. Needful be done within two months from the date of receipt of a copy of this order.
- 7) Accordingly, this writ petition is allowed.

Sd/-
(Deepak Gupta)
Chief Justice