

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP (S) No. 3323 of 2008**

Suryakant Mani Jaiswal, aged 25 years, son of Shri Balram Prasad Jaiswal, resident of village Nawagaon (Salka) P.O. Salka, Tahsil Kota, District Bilaspur (CG)

---- Petitioner**Versus**

- 1.** The State of Chhattisgarh, Through the Secretary, Department of Health, Mantralaya, D.K.S.Bhavan, Raipur (CG)
- 2.** The Director, Health Services, Government of Chhattisgarh, Raipur (CG)
- 3.** The Chief Medical and Health Officer, Bilaspur (CG)

---- Respondents

For Petitioner	:	Mr.Somnath Verma, Advocate
For Respondents	:	Mr.P.K. Bhaduri, G.A.
For Intervenor-Chanchal Dewangan	:	Mrs.Renu Kochar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****09/02/2017**

1. By this writ petition, the petitioner has challenged the selection list of Pharmacist Grade-II, which was declared on 23.4.2008 on the ground that though he was selected and his name was reflected in the merit list at Sr.No.164, but he was not appointed on the said post as his name was not placed in the select list issued on 23.4.2008, therefore, the select list be quashed.
2. Mr.Somnath Verma, learned counsel appearing for the petitioner, would submit that the petitioner is meritorious

candidate, but his name was not placed in the select list issued on 23.4.2008 and he has been erroneously deprived from appointment, which he is otherwise entitled. No reason has been assigned for not including his name in the select list.

3. Mr.P.K.Bhaduri, learned Government Advocate appearing for the respondents, would submit that after issuance of select list, Anwar Khan, Mukesh Kumar Jaiswal, Rameshwar Sahu, Rajkumar Sahu and Rahul Rathore were appointed on the post of Pharmacist Grade-II and placed the copy of order dated 28.2.2009 to demonstrate that they have appointed on the the said post, however, they have not been impleaded as party respondents. In absence of impleadment of selected as well as appointed candidates, no writ can be issued quashing the select list.
4. I have heard learned counsel appearing for the parties, considered their rival submissions made herein and also gone through the documents appended with the writ petitions with utmost circumspection.
5. It is well settled law that the writ petition challenging the selection, the selected candidates are necessary party and the selected candidates should be impleaded as necessary party as in absence of selected/appointed candidates, no effective order can be passed quashing their selection/appointment orders (See **Ishwar Singh Vs.**

Kuldip Singh¹, Bhagwanti and others Vs. Subordinate Services Selection Board, Haryana and another², B. Ramanjini & Ors. Vs. State of Andhra Pradesh & Ors.³, Sadananda Halo & Others Vs. Momtaz Ali Sheikh & Others⁴, Vijay Kumar Kaul and others Vs. Union of India and others⁵ and Poonam Vs. State of U.P. & Ors.⁶).

6. In the present case, selected candidates have already been appointed on the post post of Pharmacist Grade-II and they are working on the said post since long and they have not been impleaded as party respondents in the writ petition, therefore, in the light of principle of law laid down in the above-stated judgments, the writ petition as framed and filed is liable to be dismissed for want of necessary party.
7. Accordingly, the writ petition is dismissed. No order as to cost(s).

Sd/-

(Sanjay K.Agrawal)
Judge

B/-

1 (1995) Supp (1) SCC 179
 2 (1995) Supp (2) SCC 663
 3 (2002) 5 SCC 533
 4 (2008) 4 SCC 619
 5 (2012) 7 SCC 610
 6 (2016) 2 SCC 779