

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 211 of 2017

Prem Lal Sahu S/o Ghasi Ram Sahu, Aged About 39 Years,
R/o Village and Post Tarighat, Tahsil and Police Station Rajim,
District Gariyaband (Chhattisgarh)

---- Appellant

Versus

1. State of Chhattisgarh Through : Secretary, Health And Family Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Directorate, Health Services, Indrawati Bhawan, Third Floor, New Raipur (Chhattisgarh)
3. The Chief Medical and Health Officer, Bemetara, District Bemetara, (Chhattisgarh)

---- Respondents

For Appellant : Shri Shikhar Sharma, Advocate
For Respondent/State : Shri Y.S. Thakur, Additional Advocate General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Sharad Kumar Gupta, Judge

C A V JUDGMENT

(5.07.2017)

Per Sharad Kumar Gupta, J.

1. The appellant has preferred this writ appeal against the dismissal order dated 03-05-2017 passed by the learned Single Judge of this Court in W.P. (S) No. 1977 of 2017 where he had challenged the impugned final list dated 26-11-2016 whereby he has been declared ineligible for the appointment of Rural Health

Co-ordinator (Male) where 7 posts had been reserved for handicapped falling in the backward category.

2. In brief, the appellant's case states that, respondent No.2 had issued an advertisement for appointment of 763 posts of Rural Health Co-ordinator (Male), out of which 7 posts were reserved for handicapped person under Other Backward Category, pursuant to which he had filed an application and participated in the selection process. On 26-11-2016, final list was published by respondent No.3 whereby his candidature was rejected. Being aggrieved, he filed a Writ Petition (S) No. 1977 of 2017 which was dismissed.
3. Shri Shikhar Sharma, the learned Advocate for the appellant advanced the argument that, appellant is handicapped person and his candidature may not be rejected.
4. Shri Y.S. Thakur, the learned Additional Advocate General for the State vehemently urged that, appellant does not suffice the specified condition so mentioned in the said advertisement, thus he has no right to claim said post as a right .
5. We have gone through the records.
6. Advertisement Annexure P-2 clearly and explicitly shows that, 7 posts were reserved for those who were suffering disability of One Arm (OA) or One Leg (OL) in the category of backward classes. However, appellant's case is silent about not having the knowledge of the said specified condition. Moreover, he has not

challenged said condition of Annexure P-2 .

7. As per the Annexure P-1 final list dated 26-11-2016, the candidature of the appellant was rejected on the ground that he has no handicap by either leg or arm as specified in the Annexure P-2. We may note that the Appellant's medical records show that he has certain disability to neck, including stiffness.
8. It is well settled proposition of law that, if a candidate participates in any selection process, it does not mandate him to be selected for the applied post as a legal right.
9. Looking to the above facts and circumstances, we come to the conclusion that, there is no substantial issue which has been raised in this writ appeal calling for interference with the judgment of the learned Single Judge.
10. Hence the appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-

(Sharad Kumar Gupta)
Judge