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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 4574 of 2007**

- Roop Lal Sinha S/o Shri Anjori Ram Sinha, Occupation - Home Guard, Jagdalpur (C.G.), R/o Village - Mudkhusra, P.S. Charama, Kanker, District - Kanker (C.G.)

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary Department of Home Affair, Mantralaya, DKS Bhawan, Raipur (C.G.)
2. Director of Police, Raipur District - Raipur (C.G.)
3. Inspector General Of Police Jabdalpur, (C.G.)
4. Superintendent of Police, Kanker, (C.G.)
5. Kamlesh Kumar Sahu S/o Shri Makhan Ram, R/o Village & Post - Pandripani, Infront Of Office Of Home Guard, Kanker, District - Kanker (C.G.)
6. Satish Kumar Verma S/o Shri Late Thakur Ram, R/o Village - Konari, District - Raipur (C.G.)
7. Chintaram Mahaveer S/o Lt. Shri Late Loknath, R/o Village & Post - Charama, Kanker, District - Kanker (C.G.)
8. Rajesh Yadav S/o Shri Kawal Singh, R/o Village - Panderwahi, Post - Nathiyangaon, Kanker, District - Kanker (C.G.)
9. Santram Chakradhari S/o Shri Firngiram, R/o Village - Pandripani, Kanker, District - Kanker (C.G.)

---- Respondent

For Petitioner	:	None
For Respondents-State	:	Shri SP Kale, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board**

27/04/2017

1. Perused.
2. At the relevant time, the petitioner was working as Home Guard (Nagar Sainik) at Jagdalpur. The respondents initiated process for recruitment of constable (GD) reserving 15% post for Home Guards. The petitioner participated in the recruitment but failed to secure position in the select list, therefore, the present writ petition has been filed on the ground that the petitioner being senior most and experienced Home Guard he should have been appointed as Constable in preference to the respondents No.5 to 9, who are juniors to the petitioner.
3. Learned Dy. AG would submit that the petitioner has wrongly interpreted the selection process to be based on seniority-cum-merit. It was a fresh selection by way of direct recruitment and not promotion, therefore, petitioner's seniority over the respondents No.5 to 9 has no relevance. The selection has been made purely on the basis of performance in the selection process wherein the petitioner has been placed at serial No.7 in the waiting list purely on the strength of his performance. Respondents No.5 to 9 were more meritorious having secured more marks than the petitioner in the selection process, therefore, the writ petition has no substance.
4. Having seen the papers, the contention raised by learned Dy. AG appears to be fully satisfying this Court, inasmuch as, the said recruitment being in the nature of direct recruitment, the petitioner's seniority over respondents No.5 to 9 has no relevance in the selection process. If the petitioner was less meritorious than respondents No.5 to 9, he cannot claim appointment in the direct recruitment merely because amongst competing Home Guards he

was senior.

5. There is no substance in this writ petition. If fails and is hereby dismissed.

Sd/-

Judge
Prashant Kumar Mishra

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