

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 5998 of 2017**

Bhupendra Kumar Dixit S/o Shri Hom Prasad Dixit Aged About 39 Years
R/o Village Achanakpur, Post Chakarbhata Camp, District Bilaspur
Chhattisgarh.

---- **Petitioner**

Versus

1. Union Of India Through The Secretary, Ministry Of Suchna Evam Prasaran Prasar Bharti, Shastri Bhawan, New Delhi.
2. Director General Doordarshan, Doordarshan Bhawan, Copar Nikas Marg, New Delhi.
3. Chief Engineer (Western Zone) Akashwani Evam Doordarshan 101 M. K. Road, Mumbai (Maharashtra).
4. Station Engineer Prasar Bharati, Doordarshan Maintenance Centre Bilaspur Chhattisgarh.
5. The Director General Prasar Bharti, 2nd Floor PTI Building Sansad Marg, New Delhi.

---- **Respondents**

For Petitioner	: Shri N.K. Chatterjee, Advocate
For UOI	: Shri B. Gopa Kumar, Assistant Solicitor General

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Sharad Kumar Gupta, Judge****Order On Board****Per Thottathil B. Radhakrishnan, Chief Justice****13/11/2017**

1. The petitioner was one among those who aspired for appointment in Doordarshan. The issue was subject of OA No. 283/2004. That went against the petitioner and others. The petitioner did not challenge the verdict in OA No. 283/2004. The verdict handed down by the Tribunal in that matter was subjected to two writ petitions namely WP(S) No. 618/2013 by Prakash Chand Upadhyay and WP(S) No. 1429/2013 by Goverdhan Prasad Sahu. Through order dated 10/09/2014, this Court

upheld the claim of Prakash Chand Upadhyay and allowed his writ petition. The claim of Goverdhan Prasad Sahu was negated.

2. Thereafter, the petitioner attempted to say that when Prakash Chand Upadhyay has been appointed, one more vacancy existed and the petitioner is eligible to be considered against that. The Tribunal dismissed such a plea raised in O.A. No. 203/00128/2015. The Tribunal took the view that the finality of the order on O.A. No. 283/2004, insofar as the petitioner is concerned, cannot be reopened on a ground referable to the verdict of the High Court that went in favour of the Prakash Chand Upadhyay in WP (S) No. 618/2013. This decision of the Tribunal is under challenge in this writ petition.
3. The learned counsel for the petitioner argued that Mr. Prakash Chand Upadhyay having been given the appointment, the other available vacancy should be given to the petitioner. The Tribunal decided the present matter against the petitioner on the ground that he stood bound by the finality attained by the decision rendered on OA No. 283/2004 and that was not liable to be reopened at the instance of the petitioner merely on a ground referable to the fact that WP(S) No. 618/2013 filed by Prakash Chand Upadhyay was allowed by this Court. We do not see any jurisdictional error, illegality or infirmity on facts in the approach adopted by the learned Tribunal. We do not see any ground to interfere with the impugned decision in exercise of jurisdiction under Article 227 of the Constitution. This writ petition, therefore fails.
4. In the result, this writ petition is dismissed.

Sd/-

Sd/-

(Thottathil B. Radhakrishnan)
Chief Justice

(Sharad Kumar Gupta)
Judge