

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4930 of 2006**

1. Sunder Singh Hapaka, S/o. Jethuram, Aged about 26 years, Caste Muriya (Scheduled Tribe), R/o. Village Bagapal, District Dantewada (C.G.)
2. Ku. Pallavi Tekam, Aged about 21 years, D/o Kishanlal Tekam, R/o. Village Madase, Caste Gond (Scheduled Tribe), District Dantewada (C.G.)
3. Smt. Asha Sonwani, Aged about 25 years, W/o. Santosh Sonwane, R/o. Geedam, District Dantewada (C.G.)
4. Ku. Rubina Begum, Aged about 20 years, D/o. Abdul Hakim, R/o. Village Geedam, District Dantewada (C.G.)

---- Petitioners**Versus**

1. State of Chhattisgarh, through: Secretary, Panchayat and Gramin Vikas Vibhag, D.K.S. Bhawan, Raipur (C.G.)
2. Collector, Dantewada, District South Bastar (C.G.)
3. Chief Executive Officer, Janpad Panchayat, Geedam, District Dantewada (C.G.)

---- Respondents

For Petitioner : Mr. Manoj Paranjpe, Advocate.

For State : Mr. Arun Sao, Dy. Advocate General.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/11/2017**

(1) The petitioners are the selected candidates on the post of Shiksha Karmi Grade III. By way of filing this writ petition, the petitioners are challenging the order dated 15.06.2006 whereby their selection on the post of Shiksha Karmi Grade II has been set aside by cancelling entire selection list.

(2) Learned counsel for the petitioners would submit that selection of the petitioners on the post of Shiksha Karmi Grade-III has been set aside by the impugned order without affording any opportunity of hearing and without issuing any notice to them and the impugned order has been passed behind their back, as such, the impugned order is liable to be set aside.

(2) On the other hand, counsel for the State would oppose the writ petition and submit that the petitioners have no vested right to be appointed upon the selection.

(3) I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.

(4) In the matter of **Shankarsan Dash Vs. Union of India**¹, their Lordships of the Supreme Court have clearly held that candidate included in merit list has no indefeasible right to appointment even if a vacancy exists and held as under:-

“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit

1 (1991) 3 SCC 47

of the candidates, as reflected at the recruitment test, and no discrimination can be permitted.”

(3) Following the mandate of the Supreme Court in the above referred case **Shankarsan Dash (supra)**, I do not find any illegality in the order impugned cancelling the entire select list on the ground of irregularly and illegality in the said list warranting interference by this Court in the instant writ petition.

(4) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-