

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 146 of 2017**

Neeraj Chaturvedi, son of B.P. Chaturvedi, aged about 29 years, at present R/o Behind BTI, Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh, Through Secretary, Tribal Welfare Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. Commissioner, Scheduled Caste and Scheduled Tribe Development Department, Chhattisgarh, Raipur, Chhattisgarh.
3. Chhattisgarh Professional Examination Board, Through Chairman, Chhattisgarh Professional Examination Board, Raipur, Chhattisgarh.

---- Respondents

For Appellant	: Shri Raghavendra Pradhan, Advocate.
For Respondents/State	: Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P Sam Koshy, J.

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****17/04/2017**

1. We have heard the learned counsel for the Appellant and learned Deputy Advocate General appearing for the State Government.
2. This appeal is against the judgment whereby the learned Single Judge refused to grant any relief in a writ petition filed seeking issuance of a direction to consider the writ petitioner for appointment to a particular

post. The writ petition was filed on the admitted situation that the select list in which the appellant/ writ petitioner found place stood discharged by efflux of time, applying the ratio of the decision of the Apex Court in **State of Rajasthan v. Jagdish Chopra (2007) 8 SCC 161**.

3. Learned Counsel for the appellant / writ petitioner pointing out the different facts and factors argued that the situation in hand is one where the appellant is being deprived on a ground referable to inaction of the official respondents.
4. We see that the situation could have been better handled in the larger interest of the unemployed youth as well as that of the administration, if there is a rule in place giving a particular life span at least for select list prepared following due process. We are constrained to make this observation in this appeal because as is apparent from the facts as against 182 unreserved open general category posts which were advertised, the combined merit list which was first notified on 12.11.2014 brought in different persons to join, however, leaving open 16 posts as vacant. In the meanwhile, on 11.11.2015 one year had elapsed after the list was published. The learned Single Judge rightly noted that subject advertisement is governed by Chhattisgarh Tribal and Scheduled Caste Welfare Subordinate Educational Service Cadre (Class-III Non-Ministerial) Service Rules, 2011 and that Rule 12 among those Rules which deals with preparation of select list, does not provide any validity period for the select list. It was in that context that the decision in State of Rajasthan v. Jagdish Chopra (Supra) was followed and the matter decided against the appellant/ writ petitioner. We are unable to find our way to disagree with the findings of the learned Single Judge and the correctness on the application of the ratio of **State of Rajasthan v. Jagdish Chopra (Supra)**.

5. For the aforesaid reasons, this writ appeal fails and the same is accordingly dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE

Subbu