

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 773 of 2017

Surya Kant Deshmukh S/o Shri Kumbhkaran Deshmukh Aged About 29
Years R/o Quarter No. MIG-1/20, Aditya Nagar, Police Station Mohan Nagar,
Durg, District Durg, Chhattisgarh ---- **Petitioner**

Versus

1. State Of Chhattisgarh Through: Secretary, Home Department, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur, Chhattisgarh
2. The Director General Of Police, Police Headquarter Raipur, District Raipur, Chhattisgarh
3. Deputy Inspector General Of Police, (Telecommunication) Police Headquarter Raipur District Raipur, (Chhattisgarh) ---- **Respondents**

For Petitioner	:	Mr. Vinod Deshmukh, Advocate
For State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09.11.2017

Heard.

1. This petition is directed against the action of the respondents in cancelling the earlier process of selection for appointment to the post of Sub-Inspector (Radio). The respondents had earlier issued an advertisement on 18.12.2011 for appointment to various posts in the police department including the 19 posts of Sub-Inspector (Radio). The examination, upto one stage, was held but the final results were not declared. The respondents thereafter proceeded to cancel the process of selection in so far as appointment to the 19 posts of Sub-Inspector (Radio) and 8 posts of Sub-Inspector (Handwriting Expert/Questioned Document) are concerned. A fresh advertisement was issued on 19.10.2016, initiating fresh process for recruitment to 20 posts of Sub-Inspector (Radio). The petitioner applied under the new advertisement also and parallelly filed a writ petition seeking declaration of result of the examination held under the first advertisement. In the said writ petition, the respondents disclosed that the first process of selection was

cancelled. Upon this disclosure, the writ petition was dismissed with liberty to file duly constituted writ petition on 01.12.2016 thereafter, the present writ petition was filed.

2. Learned counsel for the petitioner would submit that the reason assigned in the return of the respondent as disclosed in the note-sheet, was not enough to cancel the process of selection altogether but the respondents ought to have separated those cases where for some reason, applications were liable to be rejected and to proceed with the process of selection in respect of other candidates including the petitioner.

3. The respondents in order to justify their action of cancellation of first process of selection in so far as 27 posts of Sub-Inspector(Radio) and Sub-Inspector (Handwriting Expert/Questioned document) is concerned, it has been averred in the return as below :

“7. It is submitted that the result for 27 vacant posts of Sub Inspector (Radio), Sub-Inspector (Handwriting Expert/Questioned Document) as advertised earlier were not declared. It is respectfully submitted that the candidates who appeared in the examination/submitted their candidature for the said post had submitted wrong information in the OMR sheet and therefore eligible candidates were not selected. For examples some of the candidates were Graduate but they had chosen the option of Diploma and further like that many candidates who were not eligible for the post of Sub-Inspector (Handwriting Expert/Questioned Document) but they had given option for the said post and therefore many candidates who were ineligible for the said post but were declared passed for the main examination whereas this benefit is to be given to those candidates who are eligible for the same and therefore, a decision has been taken by the Director General of Police, PHQ, Raipur for cancellation of the post of Sub Inspector (Radio), Sub-Inspector (Handwriting Expert/Questioned document) and to issue fresh advertisement for the same.”

4. In the note-sheet which have been filed along with the return, it has been stated that several irregularities had crept in the process of selection to the posts of Sub-Inspector (Radio) and Sub-Inspector (Handwriting Expert/Questioned document).

5. The reasons which have been assigned by the respondents to cancel the first advertisement of selection for appointment on the post of Sub-Inspector (Radio) and cannot be termed so patently arbitrary as to warrant interference by the writ Court. The petitioner does not have a right to be appointed. It is not that

any selective procedure was adopted for appointment to the post of Sub-Inspector (Radio). In fact, entire examination for selection on the said post was cancelled. Further, when second advertisement was issued, the petitioner also participated. For all these reasons, I am not inclined to interfere with the decision of the respondents. Accordingly, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Rekha