

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 7206 OF 2011**

- Sanjay Kumar Tiwari, S/o Shri Suresh Chandra Tiwari, aged about 40 years, R/o Q. No. 251-F, Risali Sector Bhilai, District Durg (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through the Commissioner, Department of Excise, Shiv Bhawan, Bairan Bazar, Raipur (CG)
2. The President, Selection Committee and Additional Commissioner, Department of Excise, Shiv Bhawan, Bairan Bazar, Raipur (CG)
3. The Assistant Commissioner, Department of Excise, Shiv Bhawan, Bairan Bazar, Raipur (CG).
4. District Army Welfare Officer, Durg, District Durg (CG)

... Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate.
For Respondents	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****30/08/2018**

1. Grievance of the petitioner is the non-consideration of the petitioner for the post of driver published by the respondents.
2. The contention of the counsel for the petitioner is that the petitioner was an ex-serviceman and he had worked as a driver in the Army for a period of about 20 years. That when he found the advertisement dated 12.7.2010 for filling up of the post of driver under the respondents, he had applied for the same. According to the counsel for the petitioner, though initially the advertisement did not reflect any reservation for the ex-servicemen candidates, the petitioner immediately moved a representation to the authorities concerned permitting him to participate in the recruitment process as an ex-serviceman, but they did not finalize the same, and it was subsequently under the RTI Act informed that no application was received from any candidate belonging to ex-servicemen quota.
3. The respondents were noticed in the case and they have filed their reply. Counsel for the respondents vide their reply submits that realizing the mistake of not having reserved any post for ex-servicemen quota, the

respondents vide the advertisement dated 27.8.2011 had again issued a fresh advertisement for filling of 26 posts and of which they had reserved two posts to be filled up from among the ex-servicemen candidates.

4. However, against the said advertisement, the petitioner submits that he had not applied for the participation.

5. Given the said fact that the petitioner had not participated in the recruitment process from the subsequent advertisement which was issued, the relief sought for by the petitioner cannot be considered at this juncture. It is not a case where the respondents had acted only upon the advertisement dated 12.7.2010. It is a case where the respondents subsequently went in for a fresh advertisement retaining two posts from the previous advertisement and adding these two posts to the posts advertised in the present advertisement reserved for ex-servicemen quota.

6. For the said reason itself, this Court is of the opinion that no strong case has been made out by the petitioner calling for an interference or for grant of any relief which the petitioner has sought for, at this juncture. Even otherwise, as of now the petitioner has crossed all permissible age limits for getting appointment and on this ground also the petitioner would not be entitled for any relief.

7. The writ petition thus fails and is accordingly dismissed.

**Sd/-
(P. Sam Koshy)
Judge**