

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 3662 OF 2010**

Nilay Sharma, S/o Shri J.L. Sharma, aged 35 years, R/o Raja Baada, Azad Chowk, Raipur (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through: the Principal Secretary, Panchayat and Rural Development Department, DKS Bhawan, Mantralaya, Raipur (C.G.)
2. Collector, District- Mahasamund (C.G.)
3. Chief Executive Officer, Zila Panchayat, Mahasamund (C.G.)
4. Chief Executive Officer, Janpad Panchayat, Saraipali, District Mahasamund (C.G.) **... Respondents**

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondent-State	:	Mr. S.P. Kale, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****18/07/2018**

1. Grievance of Petitioner in the present petition was for the issuance of appropriate directions to the Respondents for issuance of an order of appointment on the post of Shiksha Karmi Grade-III at Janpad Panchayat, Saraipali, District Mahasamund.
2. Contention of the Counsel for the Petitioner was that the Respondents had initiated recruitment process for the post of Shiksha Karmi Grade-III at Janpad Panchayat, Saraipali and the Petitioner having participated in the recruitment process and his name appeared in the waiting list. According to the Petitioner, many candidates had not assumed the duties in spite of the order of appointment being issued, the Respondents ought to have issued an order of appointment in favour of the Petitioner whose name reflected in the waiting list and in the process the Petitioner would have also got an appointment as Shiksha Karmi Grade-III.
3. Respondent authorities have come up with a stand that by efflux of time the validity period of the waiting list itself is lapsed and that in any case the name of the Petitioner in the waiting list was at Sl. No. 308 and the Respondents though had acted upon the waiting list but could only accommodate the candidates whose name appeared till Sl. No. 130 and the Petitioner's name was still much below, therefore, he could not be granted appointment. It was further contended by the State Counsel that by efflux of time the validity period of the waiting list having been lapsed, the Petitioner does not have any further right for an appointment.

4. Having heard the contentions put forth on either side and on perusal of record, considering the factual aspects of the case as has been stated by the Respondents in their return that the name of the Petitioner stood at Sl. No. 308 in the waiting list and that the candidates up till Sl. No. 108 have been granted appointment, this Court is of the opinion that the Petitioner in any case cannot have any claim for appointment for the simple reason that still there are many more candidates who have been placed much above the Petitioner in the waiting list. The Petitioner thus does not have any indefeasible right for appointment nor has he been able to substantiate his contentions to the contrary as stated by the Respondents in their return.

5. The writ petition being devoid of merits deserves to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
Judge