

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1979 of 2016****Reserved on 01.08.2018****Delivered on 23.08.2018**

Naved Siddiqui W/o Shri A. H. Siddiqui, Aged About 38 Years, R/o Village Dharamjaigarh, Police Station Dharamjaigarh, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Chairman, Shankar Nagar, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioner : Shri Chandrabhushan Kesharwani, Advocate
 For Respondent no.1: Shri Shashank Thakur, Govt. Advocate
 For Respondent no.2: Shri B. D. Guru, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board**

The issue in the present writ petition arises from the advertisement published by the Chhattisgarh Public Service Commission on 15.05.2009 for filling up various posts of Assistant Professor and the petitioner herein was a candidate for the post of Assistant Professor (Chemistry). The written examination was conducted on 29th of November, 2009 and the petitioner was also subjected to interview held on 30.08.2010. According to the petitioner, initially a list of 47 candidates were published who were declared selected. Thereafter an amended list was published on

17.06.2014 including the candidates whose name appeared in the first list and the total numbers of selected candidates were shown as 80.

2. According to the counsel for the petitioner, since the petitioner could not find place in the list of 80 selected candidates, she was under the belief that as she has done well, in all probability her name would come in the waiting list. He submits that there are 8 candidates who have not reported for duty in spite of offer of appointment being issued to them that means there are 8 vacancies created which should be filled up among the candidates whose name would appear in the waiting list.

3. During the course of argument counsel appearing for the PSC was asked to produce the record for determining the position of the petitioner in the merit list with which it could be ascertained whether the petitioner would have been entitled for appointment even if the vacant posts are filled up from the waiting list candidates.

4. Counsel for the PSC produced the merit list of the candidates for the subject Assistant Professor (Chemistry) from which it was revealed that the petitioner's name stood at serial no.140 in the overall rank in the said subject. Thus, after 80 persons who were selected, the position of the petitioner would still be at serial no.60 among the remaining candidates and as per the petitioner herself, the number of persons who have not joined duties are only 8. This by itself indicates that the petitioner would not be entitled for appointment since her ranking is much lower in the order of merit list even after leaving the 80 persons who have got selected.

5. The present writ petition thus does not need any further deliberation and the same deserves to be and is accordingly dismissed.

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