

HIGH COURT OF CHHATTISGARH, BILASPUR
WPS No.1033 of 2009

Bharti Paul, D/o Bhulauram Paul, aged about 33 years, presently working as Laboratory Paricharak State Legal Laboratory (F.S.L.), Tikrapara, Dhamtari Road, Raipur (CG)

---- Petitioner

Versus

- 1.** State of Chhattisgarh, Through the Secretary, Department of Home, D.K.S. Bhawan, Raipur (CG)
- 2.** The Director, State Legal Science Laboratory, Raipur (CG)
- 3.** Ravi Chandel, S/o I.S. Chandel, aged about not known, R/o C-23, Songanga Colony, Seepat Road, Raipur, Presently posted as Lab Technician State Legal Laboratory (F.S.L.), Tikrapara, Dhamtari Road, Raipur (CG)
- 4.** Smt.Rajshree Jaiswal, W/o Shri Shravan Jaiswal, aged about not known, R/o House No.B-9, Gayatri Nagar, Raipur, Presently posted at Lab Technician State Legal Laboratory (F.S.L.), Tikrapara, Dhamtari Road, Raipur (CG)
- 5.** The Deputy Inspector General, C.I.D. Police Headquarter, Raipur (CG)

---- Respondents

For Petitioner	:	Mr.P.P.Sahu, Advocate
For Respondents No.1, 2 & 5	:	Mr.Ratan Pusty, G.A.
For Respondent No.4	:	Mr.Prateek Sharma, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

1/2/2018

- 1.** In appointment process initiated for the post of Lab Technician, the petitioner, respondents No. 3 and 4 and other eligible candidates participated and after due selection process, respondents No.3 and 4 were appointed on the said post vide order dated 25.7.2008, in which they joined and started working. Thereafter after the period of six months the petitioner has filed this writ petition questioning their appointments on the ground that they do not fulfill the eligible criteria as mentioned in the advertisement with regard to experience and respondent No.4 is not resident of the State of Chhattisgarh.

2. Return has been filed by the respondents opposing the writ petition.
3. Mr.P.P.Sahu, learned counsel appearing for the petitioner, would submit that the petitioner is more eligible than respondents No.3 and 4 as they do not have experience for the post of Lab Technician and respondent No.4 is also not resident of the State of Chhattisgarh. Therefore, appointment of respondents No.3 and 4 is liable to be set aside.
4. On the other hand, learned Government Advocate appearing for respondents No.1, 2 and 5/State would support the impugned order and submit that the petitioner has joined on the post of Supervisor in the Department of Woman and Child Development and as such, no interference is called for by this Court.
5. Mr.Prateek Sharma, learned counsel appearing for respondent No.4, would also support the impugned order.
6. I have heard learned counsel appearing for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
7. The petitioner has alleged the breach of terms of advertisement issued for selection and appointment on the post of Lab Technician and respondents No.3 and 4 have no experience, but no such copy of advertisement has been filed by the petitioner along with the writ petition till this date as the writ petition is pending since 16.2.2009. So, it is not clear that which clause of the advertisement has been violated in making appointment.
8. The Supreme Court in the matter of **Madan Lal and others Vs.**

State of J & K and others¹ has held that the Court cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview. It was observed as under:-

“10. Therefore, the result of the interview test on merits cannot be successfully challenged by a candidate who takes a chance to get selected at the said interview and who ultimately finds himself to be unsuccessful. It is also to be kept in view that in this petition we cannot sit as a court of appeal and try to reassess the relative merits of the candidates concerned who had been assessed at the oral interview nor can the petitioners successfully urge before us that they were given less marks though their performance was better. It is for the Interview Committee which amongst others consisted of a sitting High Court Judge to judge the relative merits of the candidates who were orally interviewed, in the light of the guidelines laid down by the relevant rules governing such interviews. Therefore, the assessment on merits as made by such an expert committee cannot be brought in challenge only on the ground that the assessment was not proper or justified as that would be the function of an appellate body and we are certainly not acting as a court of appeal over the assessment made by such an expert committee. ”

Thus, this Court cannot reassess the relative merit of the petitioner and respondents No.3 and 4.

9. In view of the aforesaid discussion, the writ petition is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-

¹ (1995) 3 SCC 486