

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1998 of 2009**

Yugal Kishor Shukla, S/o. Shri Virendra Kumar Shukla, Aged about 37 years, R/o. Jai Hind Nagar, Ward No.2, Akaltara, District Janjgir-Champa Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, through: the Secretary, Panchayat and Rural Development Department, D.K.S. Bhawan, Raipur, District Raipur Chhattisgarh
2. The Collector, Janjgir-Champa, District Janjgir-Champa Chhattisgarh
3. Janpad Panchayat, Akaltara, Through the Chief Executive Officer, Akaltara, District Janjgir-Champa Chhattisgarh
4. Kishor Patel, Shiksha Karmi Grade-III, Akaltara, District Janjgir-Champa Chhattisgarh
5. Satesh Kumar, Shiksha Karmi Grade-III, Akaltara, District Janjgir-Champa Chhattisgarh

----Respondents

For Petitioner	:	Mr. Abhishek Pandey, Advocate
For State	:	Ms. Sunita Jain, Panel Lawyer
For Respondents No.4 & 5	:	Mr. Ritesh Verma, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/05/2018**

1. The challenge in the present writ petition is to the appointment given to the respondents No.4 & 5 on the post of Shiksha Karmi Grade-III, in Akaltara, District Janjgir-Champa, Chhattisgarh.
2. The grievance of the petitioner is that an advertisement was issued by the respondents on 14.01.2008 (Annexure P/4) whereby the posts for filling-up the post of Shiksha Karmi Grade-III were advertised. The petitioner as well as the respondents No.4 & 5 had applied for the post reserved for the physically handicapped quota. The petitioner belonged to the unreserved category and the respondents No. 4 & 5 belonged to the OBC category. The vacancies available as is reflected from the

advertisement show that there were three posts sanctioned, of which one post was reserved for the unreserved candidate and two posts were reserved one each for S.C. and S.T. candidate. No reservation was available for the OBC.

3. According to the petitioner, since he was a candidate from the general category and there was one post kept for unreserved category, the petitioner being from the general category should have been granted appointment ignoring the appointment of the respondents No.4 & 5 who had filled up their forms under the OBC category.
4. The claim of the petitioner is not sustainable for the simple reason that the respondents No.4 & 5 as is reflected from Annexure P/5 had scored much more percentage of marks, than what the petitioner had scored. Thus the respondents No.4 & 5 stood meritorious and placed at serial No.1 & 2 in the order of merit and the petitioner was placed at serial No.3 in the order of merit. Thus if the respondents No.4 & 5 who have scored more marks and the petitioner who is more meritorious, they cannot be denied employment only because they belonged to a particular category and for whom reservation was not provided.
5. This Court does not find any strong case made out by the petitioner calling for an interference with the order of appointment issued to the respondents No.4 & 5. The writ petition accordingly being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge