

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.923 of 2009

Dr. Akshay Bansode, S/o Shri Y.C. Bansode, Aged above 29 years,
R/o Old Power House Road, CSEB Colony, Gudiyari, Raipur (C.G.)

---- Petitioner

Versus

1. Chhattisgarh Public Service Commission, Through its Secretary,
Shankar Nagar Road, Raipur (C.G.)

2. State of Chhattisgarh, Through the Secretary, Agriculture (Animal
Husbandry) Department, D.K.S. Bhawan, Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Vinod Deshmukh, Advocate.

For Respondent No.1: Miss S. Harshita, Advocate under instructions from
Mr. Abhishek Sinha, Advocate.

For Respondent No.2 / State: -

Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/02/2018

1. The petitioner appeared in the examination held by the Chhattisgarh Public Service Commission for the post of Veterinary Assistant Surgeon on the reserved category of Scheduled Caste (SC) and he was called for interview, but when the result was declared, he was shown as general category candidate and he was not selected. Thereafter, the petitioner has filed this writ petition questioning the condition stipulated in the advertisement insisting production of permanent caste certificate issued by the competent authority of the State of Chhattisgarh, at the time of interview.
2. Learned counsel for the petitioner would submit that the impugned condition was unsustainable and bad in law as such, the condition could not have been imposed by the Chhattisgarh PSC and the

petitioner appeared as Scheduled Caste (SC) category candidate and he has been declared unsuccessful as a general category candidate.

3. Miss S. Harshita, Advocate, appearing under the instructions from Mr. Abhishek Sinha, learned counsel for respondent No.1, would oppose the submission.
4. I have heard learned counsel for the parties.
5. Undisputedly, the petitioner at the time of participating in selection and interview did not have the valid caste certificate of SC category issued by the State of Chhattisgarh and he was having caste certificate of the State of Madhya Pradesh, therefore, the competent authority considered his candidature towards general category candidate and accordingly, his candidature has been considered in which he remained unsuccessful. So, the first point raised by learned counsel for the petitioner has no force.
6. Coming to the next point that is imposition of the condition of producing permanent caste certificate, the petitioner has taken a calculated chance to appear in the examination accepting the condition. Once the result has been declared and he was found unsuccessful and further finding the decision unpalatable, he decided to question the selection. It is well settled law that the petitioner having participated in selection with open eyes and on remaining unsuccessful cannot turn around and question the selection process by saying that it is bad in law. (See **Madan Lal and others v. State of J & K and others**¹.)
7. Even otherwise, the condition regarding production of permanent caste certificate is very much necessary, if a candidate has applied in

¹ (1995) 3 SCC 486

an unreserved category then he has to establish that he actually belongs to such category to avail the benefit of said category and in absence of that, it cannot be determined whether the candidate is entitled to avail the benefit of that category.

8. In view of the above, I do not find any merit in the petition. The petition is, therefore, liable to be dismissed and it is hereby dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Soma