

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3274 of 2018**

Ramesh Singh Rathore S/o Shri Salik Ram Rathore, Aged About 29 Years R/o Village Sardha, Tahsil And Police Station Lormi, District-Mungeli, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. Collector, Land Records, District- Mungeli, Chhattisgarh.

**----Respondents**

|                |   |                                |
|----------------|---|--------------------------------|
| For Petitioner | : | Mr. C. Jayant K. Rao, Advocate |
| For State      | : | Mr. Lav Sharma, Panel Lawyer   |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****25/04/2018**

1. The petitioner had applied for employment to the post of Patwari in district Mungeli vide the advertisement, which was issued in the year 2017. The petitioner had also stood meritorious in the written examination and the name of the petitioner stands placed at serial No. 20 in the order of merit.
2. The counsel for the petitioner submits that the candidature of the petitioner had been rejected by the respondents only on the ground that he has got himself registered in the employment exchange after the advertisement was published. According to the petitioner, the said rejection by the respondent is arbitrary, illegal and the issue already stands decided by the Full Bench of this Court in the bunch of writ appeals decided on 21.10.2016 in the W.A. No. 411/2014 and other analogous petitions. According to the petitioner, he is entitled for being considered for the employment in the light of the judgment of

the Full Bench.

3. The State counsel however opposes the claim of the petitioner and submits that the number of vacancies floated in the advertisement was 10 for the unreserved category and the petitioner stood at serial No.20 and amongst the eligible candidates his rank stands at 13 and even then he would not fall come within the top 10 for being considered for employment. He further submits that now the entire recruitment process has been concluded, the respondents would find it difficult to consider the case of the petitioner.
4. Given the submissions made by the counsel for the parties and on perusal of records, it is relevant to take note of the fact that the counsel for the petitioner states that there are large number of candidates, who have not joined for duties, though they were offered the order of appointment and under the said circumstances, the petitioner would automatically fall within the zone of consideration for grant of appointment.
5. Given the aforesaid facts and circumstances of the case, this Court has no hesitation in holding that in the light of judgment of the Full Bench of this Court dated 21.10.2016 the rejection of candidature of the petitioner is bad in law, illegal and the same is therefore set-aside. As a consequence of rejection of his candidature being set-aside by this Court, it is incumbent upon the respondent No.2 to consider the case of the petitioner for grant of employment subject to the petitioner fulfilling all other criteria and the petitioner could also be considered against vacancy arising on other eligible candidates refusing to join the duty.

6. Let the respondent No.2 take a decision in this regard within a period of 60 days from the date of presentation of the certified copy of this order.
7. The writ petition accordingly stands allowed and disposed off.

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

Ved