

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 547 of 2018**

Santosh Banjare S/o Shri Ghurwadas Banjare, Aged About 40 Years R/o Tilka Para, Ward No. 9, Bhimrao Ambedkar Marg, Navagarh, District Durg Chhattisgarh.

---- Appellant**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Urban Administration And Development, D.K.S. Bhawan, Raipur Chhattisgarh.
2. Deputy Director, Urban Administration And Development Regional Office, Subhash Stadium, Moti Bag, Raipur Chhattisgarh.
3. Project Officer, District Town Development Agency, Durg Chhattisgarh.
4. Nagar Panchayat Nawagarh, Through The Chief Municipal Officer, Nawagarh, Tahsil Bemetara, District Durg, Chhattisgarh
5. Mahendra Kumar, S/o Shri Janak Das Lal, Aged About 36 Years R/o Ward No. 13, Band Par, Nawagarh, Tahsil Bemetara, District Durg Chhattisgarh.

---- Respondents

For Appellant	: Shri Aditya Tiwari, Advocate.
For Respondent/State	: Shri A.S. Kachhawaha, Additional Advocate General.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Pritinker Diwaker, Judge

Order on Board**18/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. I.A. No.01 of 2018 is filed to condone 98 days in preferring the appeal. For the reasons stated in the application, the same is allowed. Delay condoned.
2. Heard counsel for the parties on merits.
3. The writ application filed by the Appellant, who was the Petitioner before the writ Court was dismissed vide order dated 19.01.2018 by the learned Single

Judge. The Appellant was one of the applicants for appointment on the post of a Sanitary Inspector, for which an advertisement was issued by the Nagar Panchayat, Nawagarh. Since the Appellant did not qualify in the selection, he decided to assail the advertisement itself, especially the decision of the Respondent authorities to fix a higher percentage of award of marks in the interview.

4. It may be noticed that the selection related to the year 2009.
5. The learned Single Judge after hearing the parties, decided to dismiss the writ application on the principles of law laid down by the Hon'ble Apex Court, the leading case being the case of ***Madan Lal v. State of Jammu & Kashmir*** reported in ***(1995) 3 SCC 486***. The view of the Apex Court has been consistent with regard to the principle that once a candidate participates and fails to qualify, he cannot be given the leeway of turning around and challenging the terms and conditions of the recruitment. A game has to be played as per the rules laid down and if the Rules are not acceptable to a candidate, he has liberty to challenge the same but that is before the game has begun and not when the game is over and the result is not to his liking.
6. Since the learned Single Judge's decision does not suffer from any infirmity either on the facts or law, we are not inclined to interfere with the impugned order dated 19.01.2018.
7. The writ appeal stands dismissed.

Sd/-
(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-
(Pritinker Diwaker)
JUDGE