

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 4423 OF 2018**

Divya Sahu, D/o Shri Shyam Lal Sahu, aged about 26 years, R/o Plot No.4, Street No.6, Pragati Nagar, Risali, Bhilai, Durg (C.G.)

... Petitioner

versus

1. State of Chhattisgarh, through: its Secretary, Department of Agriculture, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Director, Directorate of Agriculture, Raipur (C.G.)
3. Additional Director, Directorate of Agriculture, Raipur (C.G.)

... Respondents

For Petitioner	:	Mr. Mateen Siddiqui, Advocate.
For Respondent-State	:	Mr. Syed Majid Ali, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/07/2018

1. The present writ petition has been filed seeking relief for a direction to the Respondents to consider the candidature of the Petitioner for the post of Rural Agriculture Extension Officer from the examination conducted in the year 2017.
2. Facts of the case are that an advertisement was issued by the Respondents for recruitment to the post of Rural Agriculture Extension Officer and the vacancies were for 650 posts. The Petitioner having a requisite qualification had applied for the said post and was also called upon for the written examination which was conducted by the department. Results were declared and the Petitioner got/secured 65.118 from the total marks and the her overall rank was 734. Her category rank was 414 and the female rank was 160 and in the female category rank she stood at Sl. No. 66. As the name of the Petitioner was reflected at Sl. No. 66 in the female category rank, the Respondent No.3 issued a letter calling for verification of the documents of the candidates whose name appeared between the female category rank 60 to 81 and had asked them to report for verification on 12.2.2018. The said letter was published in their official website. She did not appear in the said

verification of documents held on 12.2.2018. She subsequently for the first time on 3.4.2018 moved a representation to the Respondents intimating the authorities that she was not properly intimated of the date of document verification and that she was also not well during the relevant period and therefore she could not attend the document verification on 12.2.2018 and therefore made a request for permitting her to appear in the next document verification. Meanwhile, the Respondents have now proceeded further with the recruitment process and have called upon the candidates in the female category rank between 82 to 111 for document verification on 9.7.2018. It is therefore that the Petitioner has now filed the present writ petition asking for a relief that she may be permitted to participate in the document verification program to be held on 9.7.2018 along with the candidates whose rank appeared between 82 to 111.

3. Contention of the learned Counsel for the Petitioner is that the Respondent authorities should have ensured that sufficient and clear intimation should had been sent to the Petitioner so far as the date of document verification is concerned. That, as she was not properly intimated of the same she could not appear on the date fixed. He further submitted that no prejudice whatsoever would be caused if the Petitioner is now called upon, as it is only the next batch which has now been called upon and there are many more batches to be called upon for document verification. He also submitted that let the Petitioner be permitted to participate in the document verification, subject to the outcome of the present writ petition. Learned Counsel for the Petitioner also banked upon Annexure P-7 that was an interim order granted in another writ petition, i.e., the order dated 25.8.2014 passed in W.P.(S) No. 765 of 2013.

4. Having heard the contentions put forth on either side and on perusal of record what clearly reflects is that, admittedly the Petitioner had participated in the written examination for the post of Rural Agriculture Extension Officer. The Petitioner was placed at Sl. No. 66 in the female category rank. She came in the waiting list and the Respondent authorities were in the process of calling upon the candidates from the waiting list in the respective categories on different dates. The Petitioner happened to be called for verification of her documents on 12.2.2018.

5. The Petitioner has taken two stands, the first being of not being intimated for appearing in the document verification program and hence not being aware of the date. The Petitioner secondly takes a stand that she was not well and was suffering from Diarrhea/Ab Pain/Pyrexia. Thus, it appears that the Petitioner has taken two stands, of firstly she was not well during the said period and secondly, she was not aware of the date of document verification. The said two grounds raised by the Petitioner are in itself self-contradictory. It could be a case of either the Petitioner because of her illness could not participate in the document verification program or that she was not aware of the date provided for the document verification.

6. Another aspect which reveals is that, though the date of document verification was 12.2.2018 the first representation of the Petitioner which is on record seems to be one which has been made for the first time on April, 2018 i.e., on 3.4.2018. No justifiable explanation has been provided by the Petitioner as to what transpired between this two months period. It is only now thereafter the Petitioner has filed the present writ petition when the next batch of candidates have been called for document verification.

7. Like all other candidates, the date of document verification etc., were all put on website and if other candidates could appear for document verification there is nothing which prevented the Petitioner from undergoing the document

verification. The authorities concerned also do not have any procedure whereby the candidates who have missed the bus earlier can be accommodated on the subsequent dates of document verification which are otherwise meant for subsequent batches. That, non-granting of such relief to other similarly placed persons who could not participate in the document verification process on earlier occasion, would be depriving them of their right and they may raise a claim holding it to be bad in law and violative of Article 14 of the Constitution of India.

8. The Petitioner has also not been able to show as to whether there is any powers confirmed upon the Respondents by which they could relax the schedule by accommodating the candidates who had on earlier occasion missed the bus on some genuine ground or other. In the absence of any rule empowering the authorities for relaxing the clause, the relief sought for by the Petitioner in the opinion of this Court is difficult to be granted. The relief so sought for would also be difficult to be granted for the reason that, if the said relief is granted to the Petitioner then all those similarly placed persons who have missed the bus by virtue of not appearing for the document verification on 12.2.2018 would also be denied of their right and because of the relaxation being provided to the Petitioner they also would be entitled for being reconsidered as a matter of right.

9. This Court thus does not find any strong case made out by the Petitioner for issuance of a writ in the nature of mandamus to the Respondents in the absence of any rule position or any guideline which permits the Respondents or empower them in relaxing the conditions for document verification, particularly in respect of those candidates who have missed the bus for some reason on earlier occasion. It would also amount rescheduling of entire procedure for document verification which has already been scheduled by the Respondents.

10. The writ petition thus being devoid of merits deserves to be and is accordingly dismissed.

Certified copy today.

Sd
(P. Sam Koshy)
Judge

/sharad/