

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 576 of 2018**

Divya Sahu D/o Shrishyam Lal Sahu Aged About 26 Years R/o Plot No. 04 Street No. 06, Pragati Nagar Risali Bhilai Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Agriculture Mantralaya Mahanadi , Bhawan Naya Raipur , Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Directorate Of Agriculture, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Additional Director Directorate Of Agriculture Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Appellant	: Shri Mateen Siddiqui, 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**16/07/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the parties.
2. The writ application of the present Appellant was dismissed by the learned Single Judge vide his order dated 05.07.2018. The relief was for a direction upon the Respondent authorities to allow her participation in the verification of her documents for appointment on the post of Rural Agriculture Extension Officer, for which 650 posts were advertised.

3. It was her case that her overall rank was 414 and in the female rank was 160 and in the OBC among female category, her rank was 66. Notices and call letters were issued for verification of the documents for female category, which she failed to attend or appear and therefore, she missed the bus. The next round of verification of documents notified was for Sr. No.82 to 111 from 09.07.2018.

4. In the writ application, two pleas were taken. First that she did not have any intimation for appearing for verification of documents and therefore was not aware of the date and the second plea taken was that she was suffering from certain ailments and illnesses, for which the medical certification was annexed in the writ application.

5. The learned Single Judge expressed serious reservations with regard to the explanation which was offered by the Appellant/Petitioner for non-participation. Yet another aspect which has been taken note of by the learned Single Judge is that the verification of the documents was required to be done on 12.02.2018 whereas the first representation of the Appellant/Petitioner which was made available on record was of April, 2018 i.e. 03.04.2018 seeking indulgence, that is, well after two months of the expiry of the date fixed for verification. Not being satisfied with the explanation and the reasons for her non-participation, the Court refused to give any direction or relief in favour of the Appellant/Petitioner.

6. When the matter was taken up earlier, the Court directed the State authorities to file their return to indicate whether the exercise for such recruitment is still going on or has been completed. The return has been filed after due service upon the counsel for the Appellant. They have brought on record evidence to show that adequate notices were provided through news papers, and official website for the benefit of candidates who had otherwise qualified in the examination, for such verification. In addition to that, there is nothing on record to show which is now being urged on behalf of the counsel for the Appellant that she

appeared or tried to participate in the next round of verification i.e. 09.07.2018. Since such a statement is only a bald statement not corroborated by any circumstantial evidence, the same is fit to be rejected.

7. The return of the State is categorical that the recruitment exercise has been done. The selected candidates stand notified and only 43 posts remained vacant for the reason that they are reserved for the disabled category candidates, to which category, the present Appellant does not belong. She is OBC female category candidate and no vacancy remains in the said category.

8. In the above circumstances, we are not inclined to accommodate the Appellant by directing the Respondent State authorities to take away one of the post from the left over vacancies for disabled candidates to accommodate her. The facts and circumstances speaks for themselves. The learned Single Judge to that extent cannot be said to have erred in dismissing the writ application vide order dated 05.07.2018. The failure was on the part of the Appellant to avail the option and opportunity granted to her. If she missed the bus, she cannot be allowed to join the bandwagon after the entire exercise is over.

9. The writ application has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Pritinker Diwaker)
JUDGE