

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Appeal No. 647 of 2018

- Krishna Ram S/o Shri Nand Deo Ram Aged About 33 Years R/o Village Chitarpur, Post Dumardih, Police Station Dhourpur, Tahsil Lundra, District Surguja, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh Through The Secretary, Ayurvedic Aushadhalaya, Mantralaya, New Raipur, Chhattisgarh.
2. The Directorate Ayurved And Natural Homeopathy, Raipur, Chhattisgarh.
3. The District Ayurved Officer, District Surguja, Chhattisgarh.
4. The District Collector District Surguja, Chhattisgarh.
5. Rajesh Kumar S/o Kanwal Sai Aged About 32 Years R/o Village- Turia, Bira, Post Bargidih, Police Station- Lundra, Tahsil Lundra, District Surguja, Chhattisgarh.

---- Respondents

For Appellant	:	Shri D. N. Prajapati, Advocate
For Respondents-State	:	Shri U.N.S. Deo, Government Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

28.08.2018

1. Writ application filed on behalf of the Appellant who was the Petitioner challenged the appointment of Respondent No.5 on the post of Aushadhalaya Sevak. The main line of contention submitted before the learned Single Judge on behalf of the Appellant was that since in the advertisement minimum qualification laid down for eligibility was 8th Class pass, then during the course of selection the parameters for selection cannot be incorporated or terms of advertisement could not be altered.

2. This line of argument was scrutinized by the learned Single Judge, who did not find any merit in the submission because as a proposition the submission sounded attractive, but on closer examination it is found that it has no application to the bundle of facts.
3. An advertisement was issued on 04.04.2012 no doubt laying down minimum eligibility for candidate to apply. There were many vacancies on various posts which primarily seems to be of Class-IV kind and some Class-III. So far as we are considered the post in question is said to be Aushadhalaya Sevak for which 8th pass was the minimum qualification laid down. However, after the applications were received by the Recruitment Committee, looking at the number of aspirants, they held a meeting on 18.07.2012 and decided to lay down certain guidelines and parameters which are to be used as a guiding principle in the said selection. The Committee decided to give 75% marks as weightage on the educational qualification and 25% marks for experience.
4. The learned Single Judge was of the opinion that there had to be some guiding principles based on which the requirement for selection was required to be carried out because there were an one too many candidates who had the minimum eligibility of participation which was 8th pass. The question arose as to how do you go about making a distinction between one candidate and the other when they all have same minimum qualification. Obviously, to bring about certain transparency and systematic way of evaluation, the Committee decided to award 75% marks on the merit and 25% marks on past experience.

5. So far as award of marks on merit is concerned, the present Appellant seems to be comfortable because he has 78.6% marks, but obviously lacks experience, therefore, the component of experience is not acceptable to him.
6. It is not one of those cases where rules of the game has been changed midway through game. The advertisement only laid down minimum eligibility for application. The Committee's decision dated 18.07.2012 laid down the parameter for such selection among the eligible candidates. Therefore, the arguments and principles which were urged and negated by the learned Single Judge is also an argument before the Appellate Court. We too reject such a submission for identical reason which has been provided by the learned Single Judge in disallowing the writ or refusing to interfere with the appointment of Respondent No.5.
7. The appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge