

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3826 of 2013

Nitesh Kumar S/o Vinay Kumar, aged about 25 years, R/o village Tiriabhatha, Tahsil Saja, P.S. Saja, Revenue District and District Durg (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through Secretary, Town and Country Administration and Development Department, Mahanadi Bhawan, village & Police Station Rakhi, Naya Raipur, District Raipur (C.G.).
2. The Commissioner, Country Administration and Development Department, P.S. - Civil Lines, Raipur (C.G.).
3. The Director, Country Administration and Development Department, P.S. - Civil Lines, Raipur (C.G.).
4. The Joint Director, Country Administration and Development Department, Division Raipur, P.S. Civil Lines, District Raipur (C.G.).
5. The Chief Municipal Officer, Nagar Panchayat - Dhamdha, P.S. Dhamdha, Durg, District Durg (C.G.).
6. The Collector, Durg, District Durg (C.G.).
7. Ajit Kumar Rajak S/o Vishnu Prasad Rajak, aged about 30 years, R/o Ward No. 09, Kalar Para, Dhamdha, Post Dhamdha, Police Station Dhamdha, Revenue District and District Durg (C.G.).

---Respondents

For petitioner	:	Shri Tarun Dansena on behalf of Shri Jitendra Gupta, Advocate.
For resp.No.5	:	Shri Himanshu Kumar Sharma on behalf of Shri Sushil Dubey, Advocate.
For State	:	Ms. Sunita Jain, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/09/2018

1. The relief sought for by the petitioner in the instant Writ Petition is for issuance of direction to the respondents to consider the case of the petitioner for the post of Pump Operator - SC category.

2. The advertisement has been enclosed for the said recruitment by the petitioner as Annexure-P/2.
3. The document Annexure-P/2 clearly stipulates that, there were 2 posts advertised for the post of Pump Operator. One post was reserved for ST category candidates and one post was reserved for OBC category candidates.
4. The petitioner in paragraph 8.4 of his petition has categorically contended that, the petitioner belongs to the SC category.
5. The advertisement reflects that, for SC category, there is no post reserved or advertised.
6. Given the said fact, at the outset, the petitioner would not had been a candidate who was eligible for participating in the recruitment process.
7. In case if he has done and inadvertently permitted to participate by itself would not create any enforceable right in favour of the petitioner particularly when there is no post sanctioned or reserved for the category to which the petitioner belongs.
8. The petition on the second aspect also is not sustainable for the reason that, the petitioner it seems does not have the requisite qualification for the said post.
9. As per the advertisement, the requirement is having cleared Middle School and also having successfully done I.T.I. course in the concerned subject.

10. The petitioner had applied for the post of Pump Operator for which the requisite qualification would be the I.T.I. in fitter trade whereas the petitioner had I.T.I. in fabrication trade.

11. On this ground also, the petitioner would not be eligible for participation in the said recruitment process.

12. On comparison with the case of the respondent No.7 it is found that, the respondent No.7 has the I.T.I. certificate from fitter trade and he belongs to the ST category for which there was one post already reserved.

13. Thus, the petitioner cannot claim any parity with the respondent No.7 claiming for an appointment on the post of Pump Operator from the advertisement Annexure-P/2.

14. For the aforesaid two reasons, the Writ Petition fails and is accordingly rejected.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit