

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4869 of 2018

Rohit Kumar Gopal S/o Shri Ramdhan Gopal, aged about 31 years, R/o Ward No.8, near Maharanapratap Chauk, Ring Road No.2, in front of Amrit Petrol Pump, P.S. & Tah Bilaspur, District Bilaspur, Civil and Revenue District Bilaspur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Fisheries Department, Mahanadi Bhavan, Mantralay, New Raipur (C.G.).
2. The Director, Fisheries Department, Directorate, Indrawati Bhavan, New Raipur (C.G.).
3. The Selection Committee, Fisheries Department, Directorate, Indrawati Bhavan, New Raipur (C.G.).

---Respondents

For petitioner	:	Shri M.K.Sinha, Advocate.
For State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

31/07/2018

1. Present is the second round of litigation.
2. The earlier round of litigation was by way of WPS No.4181/2018 which got disposed off on 27/06/2018.
3. Vide the said order, this Court had directed the petitioner to prefer a representation before the authorities and the respondents were in turn directed to consider the representation of the petitioner so far as his grievance is concerned.

4. The grievance of the petitioner in the instant Writ Petition is that, the diploma course that he has undertaken has not been considered for grant of marks while deciding merits of the selected candidates. The respondents have vide the impugned order Annexure-P/1 dated 10/07/2018 rejected his representation holding that, his marks for graduation has been calculated and on calculating the marks which were allotted for graduation, he had not come in the order of merit and that was the reason for his non-selection.

5. Perusal of advertisement would reveal that, the qualification required for the post for which the petitioner had applied was BFSC from a recognized university or the degree in Biology with diploma in Fisheries subject. The petitioner came within the second category wherein he has a degree in Biology with diploma in Fisheries subject.

6. The contention of the counsel for the petitioner is that, though he has been granted marks for degree course, but his marks for the diploma in Fisheries subject has not been granted and if the same had been granted, the petitioner would come in the order of merit.

7. This Court on perusal of record particularly the contents of the impugned order Annexure-P/1 finds that, the authorities concerned have duly considered the representation and have reached the conclusion that marks have been allotted to the substantial course which the petitioner or other candidates have undertaken i.e. the course of degree in Biology.

8. There is no procedure laid down by the respondents by which the candidates also would be entitled for marks for the diploma course if at all if they have undertaken any.

9. In the absence of any rule provision or guidelines framed by the State Government, the action on part of the respondents in granting marks only for the degree course cannot be said to be either arbitrary or bad in law or contrary to the rules.

10. The Writ Petition thus being devoid of merits deserve to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit