

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****Writ Petition (S) No. 2877 of 2016**

Smt. Manjulata Sharma W/o Shri Ajay Sharma, aged about 46 years,  
presently working as Assistant Grade- II, Office of District Collector,  
Korba, District Korba, Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh through- Secretary, Department of Revenue and Disaster Management, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, Chhattisgarh
2. State of Chhattisgarh, through Joint Secretary, Department of Revenue And Disaster Management, Mahanadi Bhawan, New Raipur, P.S. Rakhi, District Raipur, Chhattisgarh

**---- Respondents**


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| For Petitioner       | : | Dr. N. K. Shukla, senior advocate along with<br>Shri Sudeep Agrawal, Advocate |
| For Respondent/State | : | Shri S. P. Kale, Dy. Advocate General                                         |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****06/03/2018**

The present writ petition has been filed seeking for quashment of the impugned order dated 03.06.2016 Annexure P-1. An additional relief has also been sought for a direction to the respondents for grant of bonus marks of 2.76 to the petitioner so that she can be construed to have qualified in the written examination conducted by the respondents.

2. Case of the petitioner in brief is that an advertisement Annexure P-2 dated 04.03.2014 was issued pertaining to the recruitment of Naib Tahsildar in the pay scale of 9,300-38,400 and Grade Pay of 4200. Total 57 posts of Naib Tahsildar were to be filled up among inter departmental candidates by an inter departmental competitive examination. Out of 57 posts, 28 were to

be filled up among the candidates belonging to Revenue Inspector and Patwari and 29 posts were to be filled up among the candidates belonging to Clerical (Ministerial) cadre. The petitioner had also applied for the said post from the Clerical (Ministerial) cadre and participated in the inter departmental competitive examination held on 20.07.2014. The result of the said examination was published and Annexure P-3 shows the marks which the petitioner has acquired. The petitioner has obtained 43.158 marks in paper-I and 54.082 marks in paper-II.

**3.** At this juncture, it would be relevant to refer to Clause-5 of the selection process of the advertisement which envisages that each of the candidates participating in the examination should score minimum 50% of marks in each paper. For ready reference Clause-5 is reproduced hereinunder:

“सफल होने के लिए प्रत्येक प्रश्न-पत्र में कम-से-कम 50 प्रतिशत अंक प्राप्त करना अनिवार्य होगा।”

**4.** From the aforesaid condition stipulated in the advertisement and the marks which the petitioner has scored would show that the petitioner was short of 6.842 marks in Paper-I from the minimum 50% of marks which were required. The petitioner had made a representation to the respondent State for grant of bonus marks to the extent of 2.76. According to the petitioner, she has scored 43.158 in first paper and 54.082 in second paper making the total marks 97.24 and if a bonus marks of 2.76 is given to the petitioner, she will score 100 marks which would make her eligible for being considered for the post of Naib Tahsildar.

**5.** On a specific query being put to the learned senior counsel appearing for the petitioner as to whether under the Rules or the advertisement in which the petitioner had applied there was any provision for grant of bonus marks, it has been stated at the bar that there is a system of granting bonus mark but that is exclusively to the candidates belonging to reserved category and that no such granting of bonus marks is available for the candidates belonging to

general category. Further a query being put by this Court as to whether any candidate belonging to the general category has been awarded any bonus marks, learned senior counsel has expressed their ignorance on the said aspect stating that they do not have any such information.

**6.** The main grievance of the petitioner is that in spite of the above factual matrix when the petitioner had moved a representation to the respondents, they have rejected the representation on an entire different ground holding that there is no post available as on date. According to the counsel for the petitioner, if that be so, they have collected information under RTI Act which shows that more than 100 posts of Naib Tahsildar are still lying vacant which could have been filled in case the grievance of the petitioner was redressed.

**7.** It is true that the rejection of the representation of the petitioner was on the ground of non availability of vacant post though the eligibility and entitlement of the petitioner has not been considered by the respondents. Even if the representation is said to have been wrongly rejected or has been rejected on extraneous ground but the fact still remains that the petitioner so as to seek a relief from this Court would have to make out a case on merit showing specifically that she is otherwise entitled, eligible and also qualified in the examination conducted by the respondents for the said post.

**8.** From the factual matrix as has been narrated in the preceding paragraphs it clearly reflects that the petitioner has not scored the minimum marks as are required 50% in first paper. The advertisement and also the Rules do not have a clause of granting bonus marks to a candidate belonging to the general category. Under the circumstances, this Court finds it difficult to grant the relief which the petitioner has sought for.

**9.** At this juncture, counsel for the petitioner refers to paragraph-8.8 of the petition in respect of a candidate Ms. Nita who has been granted 10% bonus marks as relaxation though the rules and guidelines provide for granting of only 5%. But the fact remains that the said Nita is also a candidate belonging

to reserved category unlike the petitioner who falls in a general category and that for the candidates belonging to the general category, there is no provision for granting of bonus marks.

**10.** In the given circumstances this Court does not find any strong case made out by the petitioner for any direction to the respondents in respect of the claim raised. The writ petition thus fails and is accordingly rejected.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**

Bhola