

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 639 OF 2018**

U. Ravi Patnayak S/o Late Shri U.S.R. Patanayak, Aged About 51 Years R/o Avanti Vihar, Telibandha, Raipur, P.S. Telibandha, District Raipur, Chhattisgarh. (Petitioner)

---- Appellant**Versus**

1. Chhattisgarh State Industrial Development Corporation Ltd. Through The Managing Director, Head Office, Udyog Bhawan, Ring Road-1, P.S. Raipur, District Raipur Chhattisgarh. (Respondent No. 1).
2. Managing Director, Chhattisgarh State Industrial Development Corporation Limited, Udyog Bhawan, Ring Road - 1, P.S. Raipu, District Raipur Chhattisgarh. (Respondent No. 2).
3. Executive Director/Chairman Selection Committee, Chhattisgarh State Industrial Development Corporation Limited, Udyog Bhawan, Ring Road - 1, P.S. Raipur, District Raipur Chhattisgarh. (Respondent No. 3).
4. State of Chhattisgarh, Through The Secretary, Commerce And Industries Department, Mahanadi Bhawan, Mantralaya, New (Naya) Raipur, Chhattisgarh. (Respondent No.4).

---- Respondents

For Appellant	:	Shri Amrito Das, Advocate.
For Respondents No. 1 to 3	:	Shri Ayaz Naved, Advocate
For Respondent No.4/State	:	Shri Y. S. Thakur, Additional Advocate General

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**24/08/2018****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 order dated 03/07/2018, therefore, appeal has been preferred.

3. Before the writ Court, the decision dated 20/09/2013 (Annexure P/1) was subject matter of challenge. By the said order, the earlier advertisement dated 08/08/2013 for filling of the post of Manager (MIS) under the respondent/Chhattisgarh State Industrial Development Corporation Limited was cancelled.
4. It is a case of the appellant that he was one of the applicants and successful one at that but for some reasons extraneous to the issue, the authority instead of finalizing the recruitment process, decided to cancel the advertisement itself.
5. The learned Single Judge took note of one aspect that the advertisement which related to year 2013, the age of the appellant was said to be around 46 years. Therefore, by simple arithmetic he would be around 51 or 52 years of age, such age does not allow him to be recruited for any kind of job under the State since there is an upper age limit for recruitment even under the statutory bodies or Corporation of the State.
6. Argument is advanced on behalf of the appellant that since Annexure P/1 by itself does not indicate any reasons and he goes to the extent of saying that the real reason is that the son of the Chairman did not make the cut-off list and not for any justifiable cause.
7. Materials have been brought on record in the return of the concerned respondents. At least two documents Annexures R/2 and R/3 are indicators that there was a lot of hue and cry raised from within or without the organization in the manner the exercise was sought to be gone about. Complaints had also been made to the State Government and to avoid any kind of embarrassment and controversies, a decision was taken to cancel the advertisement itself.
8. Since it was not a case of mass recruitment, but for appointment on a single post and mere participation in the process of selection by itself does not create a

right for appointment as has been held in the many of decisions of the Hon'ble Apex Court, therefore, in the above circumstances, if the learned Single Judge refused to grant any relief to the appellant or refused to interfere with the decision to cancel the advertisement, the same cannot be said to be an erroneous view in law.

9. The appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE