

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 7989 of 2018

Mukesh Pandey S/o Late Nijanand Pandey, Aged About 39 Years,
Occupation - Service, Presently Working As Excise Sub Inspector,
Baloda Bazar, R/o C/o Rajesh Verma, Behind Collectorate And
District Excise Office, Baloda – Bazar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Revenue And Disaster Management, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur District – Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Marg, Raipur District - Raipur Chhattisgarh

---Respondents

For petitioner	:	Shri Malay Shrivastava, Advocate.
For Respondent no.1	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/12/2018

1. The challenge in the present writ petition is to the inaction on the part of the respondents in not issuing the order of appointment to the petitioner.
2. The contention of the counsel for the petitioner is that the respondents had published an advertisement on 24.12.2014 for the post of Nayab Tahsildar and the petitioner participated in the selection process for the said post. According to the petitioner, the select list was published on 13.05.2016 and his name stood at serial no.11 in the waiting list for the post of Nayab Tahsildar. The petitioner belongs to the general category. According to the petitioner, out of 136 candidates who were

selected for the post of Nayab Tahsildar 22 candidates did not report for duty. Thus, vacancies so created were to be filled up from the waiting list. On the recommendation made by the State Govt. and with approval of the Public Service Commission on 30.03.2017, 22 candidates from the waiting list were called upon to fill up the vacant posts in respect of those candidates who did not report for duty in spite of selection at the first instance. Though the petitioner was at serial no.11, his name was not considered. Out of 22 candidates who were called upon from the waiting list, 4 candidates again did not report for duty and it is thereafter that the name of the petitioner was recommended by the State Govt. to the PSC for being sent for appointment. The Public Service Commission has rejected the recommendation made by the State Govt. vide impugned order Annexure P-1 holding that the validity period of wait list has since lapsed. Moreover, there has been two subsequent selection processes initiated for the said post in the subsequent two consecutive years of 2015 and 2016 and the select list from the said recruitment also has been published. It is this order on the part of the Public Service Commission which has been assailed by the petitioner in the present writ petition.

3. So far as the right of the petitioner is concerned, this Court is of the opinion that firstly while passing the impugned order Annexure P-1, the validity of the waiting list in which the name of the petitioner reflected admittedly stood lapsed. Moreover, the fact that the Public Service Commission, after the select list was published in respect of the advertisement in which the petitioner had applied, have again initiated recruitment process first in the year 2015 and again in the year 2016 which would also dis-entitle the claim of the petitioner.

4. It is settled position of law that the validity of a waiting list can be kept alive only till a fresh recruitment proceeding is initiated by the

respondents or during the validity of the waiting list whichever is earlier. Even if for argument sake we accept the contention of the petitioner that his name was alive and was recommended by the State Govt. before lapse of the validity period at the first instance, the fact that subsequently two recruitment processes have been initiated for the two consecutive years i.e. 2015 and 2016 and therefore the claim of the petitioner would automatically cease and the claim of the petitioner is liable to be dismissed only on this ground alone.

5. In view of the same, for the reasons assigned in the impugned order dated 21.02.2018, this Court does not find any strong case made out by the petitioner calling for an interference with the impugned order or for issuance of a writ in the nature of mandamus to the respondents. The writ petition fails and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE