

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 41 of 2019**

1. Yuvraj Chandra S/o Shri Ratiram Chandra Aged About 42 Years R/o Village - Thuthi, Post Office - Thathari, Police Station And Tahsil Jaijaipur, Civil And Revenue District Janjgir Champa Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Acting Through The Secretary, Higher Education Department, Government Of Chhattisgarh, New Raipur, Civil And Revenue District Raipur Chhattisgarh.
2. Commissioner, Directorate Of Higher Education Indravati Bhavan, New Raipur, Civil And Revenue District Raipur Chhattisgarh.
3. Principal Government Bilasa Girls P.G. College Bilaspur, Civil And Revenue District Bilaspur Chhattisgarh

---- Respondent

For Appellant	Shri K.A. Ansari, Sr. Adv. with Shri Devesh Kela, Advocate
For Respondent/State	Shri Gagan Tiwari, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ**Hon'ble Shri Parth Prateem Sahu, J.****Judgment on Board****By****Prashant Kumar Mishra, Ag. CJ****08/04/2019**

1. The advertisement was issued on 19-9-2014 inviting applications for filling up post of Lab Technician in the Department of Higher Education, Government of

Chhattisgarh. The written examination was conducted in the month of November, 2014, however, thereafter, results of the said examination was not issued and instead the Department submitted a proposal before the Commissioner, Higher Education on 17-7-2015 (Annexure – P/8 to the writ petition) proposing that the appointing authority of Lab Technician has been mentioned as Regional Additional Director in the Recruitment Rules, however, in the set up of the Department post of Regional Additional Director is not sanctioned. Similarly, it was also proposed that in the interest of competing students persons having qualification of Computer Science, BCA, MCA, BBA, Biotechnology should also be included as eligible candidates for appointment to the post of Lab Technician, therefore, for these reasons the recruitment process should be cancelled.

2. The writ petition preferred by the appellant herein was dismissed by the learned Single Judge by the order impugned wherein the appellant prayed for a direction to declare the result and complete the selection process.
3. The advertisement was issued in the month of September, 2014, therefore, by now more than 5½ years have already elapsed after issuance of the advertisement. During these

years hundreds of fresh graduates have passed out and the State would get better candidates.

4. Moreover, the appellant has no right to seek a direction for declaration of result merely because he has appeared in the selection process. If cancellation of selection process is on account of reasons germane and fundamental to the post in question, this Court is not entitled to sit over the same in its process of judicial review.
5. The learned Single Judge has not applied any law which can be said to be perverse or not applicable in the facts of the case.
6. In view of the above, the writ appeal deserves to be and is hereby dismissed. However, it is made clear that only for one occasion in the next selection process for the post of Lab Technician for which the appellant has applied, his candidature shall be considered. It is also made clear that the appellant shall also be entitled to age relaxation in the next selection process.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge

Gowri