

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 260 of 2017

- Hiteshwar Kumar S/o Shri Purushottam Rai, Aged About 32 Years C/o Shri S.K.Narang I-11, Green Aurchid Colony Daldal Seoni, Raipur, District Raipur, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Housing And Environment, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. Chairman Chhattisgarh Rent Control Tribunal, Old R.D.A. Building, Director, 1st Floor Shastri Chowk, Raipur, Chhattisgarh
3. Registrar, Chhattisgarh Rent Control Tribunal, Old R.D.A. Building, Director, 1st Floor Shastri Chowk, Raipur, Chhattisgarh
4. Dinesh Kumar Yadav S/o Shri Vayas Narayan, Aged About 27 Years R/o Paras Nagar Gali No.2, Shayam Bai Chaoushans House Raipur, Chhattisgarh
5. Kuleshwar Prasad Sahu S/o Shri Purushottam 08/23 Ispat Nagar, Risali District Durg, Chhattisgarh
6. Kishor Kumar Uike S/o Late Shri Sharad Uike, M I G 1/884, W-27, M P H B, J/ E/ Near B N S School Bhilai, District Durg, Chhattisgarh

---- Respondents

For Appellant : Shri Sunil Sahu, Advocate
For respective Respondents : Shri Vikram Sharma, Panel Lawyer
and Ms Smiti Sharma, Advocate

**Hon'ble Shri Prashant Kumar Mishra, Actg CJ &
Hon'ble Shri Justice Parth Prateem Sahu**

Order on Board by Prashant Kumar Mishra, Actg CJ.

09.04.2019

1) Appellant and respondents- 4 to 6 submitted their candidature in response to advertisement for recruitment of one post of Process Server in the establishment of Chhattisgarh Rent Control Tribunal, Raipur. After written examination, candidature of each of the candidates was considered to assess their eligibility. The Selection Committee found that the appellant & respondents- 5 and 6 have not disclosed their qualification over and above the 12th standard, therefore, they were disqualified as they

did not state the correct facts about their qualification at the time of submission of application.

2) Learned Single Judge has refused to interfere with the decision taken by the Selection Committee on the ground that the appellant did not disclose his higher qualification and was thus guilty of suppression of material facts.

3) Recruitment to the post at the lower rung of service carries with it certain duties which a person who is highly qualified may not be able to discharge. Without entering into the issue as to whether obtaining of higher qualification would or would not be a disqualification in the present recruitment, suffice it would be to say that statement of higher qualification in the application form may provide all the relevant facts to the Selection Committee for reaching to an objective decision as to the suitability of a person for the post of Process Server. Therefore, any effort to withhold information of higher qualification may be with an intention to not to provide those information to the Selection Committee which may eventually work against a particular candidate.

4) In our considered view, learned Single Judge has taken the correct view in the facts and circumstances of the case. There is no substance in this Writ Appeal. It deserves to be and is accordingly dismissed.

Sd/-
(Prashant Kumar Mishra)
Actg Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge