

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 141 of 2018**

*(Arising out of order dated 23.03.2017 passed by the learned Single Judge in Writ
Petition (S) No. 1396 of 2017)*

- Paras Kumar Kashyap S/o Shri Banshi Lal Kashyap aged 39 years R/o Village Navagoan Post Kusda tahsil & district Bemetara C.G. Pin 491335

---- Appellant**Versus**

1. The State of Chhattisgarh through the Secretary Panchayat Department Mahanadi Bhawan Mantralaya Naya Raipur P/S Rakhi tehsil & District Raipur (C.G.)
2. The Collector Bemetara District Bemetara (C.G.)
3. District Panchayat Bemetara through the Chief Executive Officer District Panchayat Bemetara, District Bemetara (C.G.)
4. Janpad Panchayat Nawagarh through the Chief Executive Officer Janpad Panchayat Nawagarh District Bemetara (C.G.)

---- Respondents

For Appellant	:	Shri Ajay Mishra, Advocate.
For Respondents No. 1 & 2/State	:	Shri Gagan Tiwari, Deputy Government Advocate.
For Respondents No. 3 & 4	:	Shri R.S. Baghel, Advocate.

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

Judgment on Board**Per Ajay Kumar Tripathi, Chief Justice****19.02.2019**

1. Heard learned counsel for the Appellant, learned Deputy Government Advocate for the State and learned counsel for the Respondents No. 3 & 4.
2. I.A. No. 1 of 2018 is for condonation of delay of 164 days. Even though, we are not satisfied as to the reasons provided therein, but in the interest of justice the delay is condoned. The matter is thereafter heard on merits.

3. The writ application of the present Appellant was dismissed by the learned Single Judge. A prayer was made in the writ application for a direction upon the Respondent authorities to appoint him as a Shiksha Karmi Grade-III with all the benefits of service since the year 2007.
4. The case of the Appellant before the learned Single Judge was that he was an Applicant when the exercise for recruitment was undertaken by the Respondents in the year 2006-07. He was unsuccessful since his name did not figure in the list published. Only in the year 2017, he came to learn through newspaper reports published in 2014 that there was large scale illegality committed in the recruitment on the post of Shiksha Karmi in Janpad Panchayat, Nawagarh. It is in this background that he filed a writ application in the year 2017.
5. Learned Single Judge took note of the fact that when the authorities learnt about such illegalities they took cognizance of the same and have taken steps for cancellation of such appointment and have also issued instructions for registration of criminal cases against the concerned persons.
6. In this background, the learned Single Judge dismissed the writ application first on the ground that the writ was preferred after 10 years of recruitment process having been completed. Secondly, that he was unsuccessful candidate and he did not question the outcome and the result so published then. Thirdly, that his writ application cannot be treated as a Public Interest Litigation questioning the entire recruitment process under taken 10 years ago.
7. The dismissal of the writ application has become the reason for preferring the appeal.
8. In addition to the three reasons provided by the learned Single Judge, the fourth reason why the writ application has no merit and even the appeal thereof

cannot be entertained is that the Appellant cannot be given any relief by way of a direction for his appointment since it is his own case that the entire recruitment process was vitiated, then the whole appointments have to go. Appellant cannot be the chosen as the one to be conferred the benefit of appointment against which he himself is pointing a finger at.

9. Appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge