

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 4318 OF 2010**

Smt. Richa Tiwari, aged about 38 years, W/o Shri Sonal Tiwari, R/o Rarijat Colony, Bilaspur, Tahsil and District Bilaspur (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary, Department of Higher Education, DKS Bhawan, Raipur (CG).
2. The Public Service, Commission, Chhattisgarh Through Its Secretary, CG P.S.C. Raipur (CG).
3. University Grant Commission, Through Its Secretary Bahadurshah Zafar Marg, New Delhi -110002.

... Respondent(s)

For Petitioner	:	Ms. Shivali Dubey, Advocate.
For Respondent No.2	:	Shri Ashish Shrivastava and Shri Soumya Rai, Advocates.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02.07.2019

1. Present writ petition has been filed challenging the recruitment process initiated by the Chhattisgarh Public Service Commission (in short, the PSC) for the post of Assistant Professors under the Higher Education Department of the State of Chhattisgarh. The advertisement in respect of the same was published on 15.05.2009.
2. The grievance of the petitioner is that, initially the respondents had published a list of eligible candidates wherein the name of the petitioner was also found. However, later on another revised list was published and where the name of the petitioner did not find place. The petitioner in the instant case had applied for the post of Assistant Professor in the Chemistry subject and the total number of post for the unreserved category (to which the petitioner belonged) was 55.
3. The challenge primarily is on the ground that the PSC has not applied the ratio of 1:3 in the subject against which the petitioner had applied

i.e. in the Chemistry Subject. The contention of the petitioner is that, if the respondents would have applied the ratio of 1:3 then the petitioner would have been an eligible candidate. The petitioner relied upon the judgment of this High Court in *Suparna Shrivastava Vs. State of Chhattisgarh & Another*, WPS No.4626 of 2010, decided on 04.02.2013.

4. Since the substantial ground raised by the petitioner is of not applying the ratio of 1:3, it would be better if we look into the aspect whether the actual position/rank that the petitioner has obtained would bring her within the eligible candidates by applying the ratio of 1:3.
5. Initially the counsel for the PSC made a submission that so far as Chemistry subject is concerned, since the number of post for the unreserved category were 55 and applying the ratio of 1:3 the total candidates to be called were 165. However, it was only 157 candidates who were called which means that there was shortfall of 8 candidates. Based on the said instructions, this court had initially vide order dated 07.08.2018 allowed the Writ Petition, but on the Review Petition filed by the PSC i.e. Review Petition No.56 of 2019, the PSC brought before the court the actual figures and the break-up of the candidates who were called and this court vide its order dated 01.05.2019 had reviewed the order dated 07.08.2018 and ordered for rehearing of the writ petition and as such the matter has again come up for rehearing before the court.
6. As per the contentions and submissions which have been put forth by the PSC, initially a provisional list of eligible candidates were declared by the PSC and after that ratio of 1:3 was applied category

wise and thereafter a list for qualifying candidates were prepared calling the eligible candidates for interview. Now, so far as the candidature of list of eligible candidates for the post of Assistant Professor (Chemistry) is concerned, the total number of post for unreserved category was 55 post, of which 3 were earmarked/reserved for the unreserved physically handicapped category (PPD). The balance left was 52 and applying the ratio of 1:3, 157 candidates were already called. Three times of 52 comes to 156 and total candidates called were 157. Thus, there was no shortfall in the list published from among the eligible candidates.

7. It is also relevant at this juncture that the last candidate under the unreserved woman category who has been found eligible has secured a total of 121.1819 marks in the written examination whereas the petitioner has secured much less than that i.e. 120.5349 marks. Both these aforesaid factors would clearly demonstrate that the petitioner as such has not made out a strong case for interfering with the recruitment process initiated by the PSC so far as appointment to the post of Assistant Professor (Chemistry) is concerned.
8. The view of this court further stands fortified from the decision of this court in case of Ku. Seema Anchal Vs. State of Chhattisgarh & Ors. In WPS No.486 of 2011 and other connected matters decided on 07.08.2018.
9. The writ petition thus being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge