

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 2156 OF 2019**

Gorge Sulman S/o Falwant Back Aged About 30 Years By Caste - Uraon,
R/o Village - Salwa, Police Station - Baikunthpur, District - Koriya
Chhattisgarh.

...Petitioner(s)

Versus

1. State Of Chhattisgarh Through The Secretary, Forest Department, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Raipur District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Principal Chief Conservator Of Forest And Forest Force Chief Chhattisgarh Aranya Bhawan, Sector -19, North Block, Atal Nagar Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Upper Principal Chief Conservator Of Forest (Administration) Chhattisgarh Atal Nagar Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Forest Divisional Officer And Nodal Officer Manendragarh, Forest Range Chhattisgarh, District - Koriya Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vivek Tripathi, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.05.2018

1. The challenge in this petition is to the impugned order dated 25.02.2019 (Annexure P/1) whereby the respondents have passed an order cancelling the recruitment process initiated for filling up of the post of Forest Guard vide advertisement dated 17.12.2018.
2. On a query being put to the counsel for the petitioner as to what is the indefeasible right which has been created in favour of the petitioner, he referred to the list wherein the name of the petitioner was reflected of being called for counseling. That except for the reflection of the petitioner's name in the list of candidates called for counseling, there is no other proceeding drawn by the department

and as such the recruitment itself was not concluded and that an order of appointment also was not issued in favour of the petitioner with which he could have claimed of any right created in his favour.

3. It is well settled proposition of law that unless there is an order of appointment which has been acted upon, merely finding the name of the candidates in the select list or an order of appointment having been issued without the same being acted upon, no right is created in favour of the candidate. In the instant case, before the recruitment process could be finalized, the State Govt. has taken a decision to cancel the entire recruitment process.
4. What is also to be considered is that, it is always within the domain of the State Govt. to cancel a particular recruitment process. If after having initiated the recruitment process the government wants that the said recruitment need not be processed on administrative grounds or reasons, the department has all the right for cancelling the recruitment process or also keeping the recruitment process in abeyance in case if it needs.
5. For the foregoing reasons, this court does not find any strong case made out by the petitioner calling for an interference with the impugned order. The petitioner also has not been able establish as to how the impugned order passed in excess of the powers and jurisdiction of the State Govt.
6. The writ petition accordingly being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

inder