

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2334 OF 2019**

1. Nawal Singh Kanwar S/o Shri Pratap Singh Aged About 29 Years
Block- Bilaspur, District- Bilaspur, Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Horticulture And Field Forestry, Mahanadi Bhawan, Atal Nagar, Raipur, Chhattisgarh.
2. Director Directorate of Horticulture and Field Forestry, Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Faisal Akhtar, Advocate.
For Respondent-State	:	Shri Jitendra Pali, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****03.04.2019**

1. The grievance of the petitioner is that the name of the petitioner appears in the waiting list for the post of Rural Horticulture Extension Officer.
2. The contention of the petitioner is that initially a list of 306 candidates were issued with an order of appointment and out of that 123 did not report for duty, for which a fresh list from the waiting list was issued on 07/09/2018 and out of the said 123 candidates also 39 candidates did not report for duty. Then, thereafter another list was issued for 39 candidates from the remaining waiting list candidates vide order dated 06/10/2018. That, again from the said list of 39 candidates, 18 candidates did not report for duty and thus 18 vacant posts are to be filled up from the remaining candidates in the waiting list and by which the petitioner also would become eligible.

3. Considering the fact that the department has in the past issued appointment orders to a large number of candidates from the same waiting list and there is also vacant post available and the validity of the waiting list is also still surviving, this Court does not intend to keep the writ petition pending, rather ends of justice would meet if the respondents No. 1 & 2 are directed to take appropriate steps ensuring that if the department intends to fill up the remaining 18 posts then appropriate orders/steps be initiated at the earliest. This Court further makes an observation that enforcement of the code of conduct during elections should not come in the way of the department in issuing appointment orders as currency of the model code of conduct should not frustrate the claim of the petitioner or the validity of the waiting list. At the same time, because of the code of conduct for election being in operation, the claim of the petitioner also should not get extinguished in between.
4. It is made clear that the department would be free to issue appropriate orders subject to verification of the facts and the merit of the petitioner so far as the post lying vacant is concerned. The State Govt. may also consider if under the special circumstances, the validity period of the waiting list has to be extended or not.
5. Accordingly, the writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge