

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 3551 of 2019

1. Yogesh Upadhyay S/o Shri Avinash Chandra Upadhyay Aged About 30 Years R/o Ward No. 4, Gandhi Nagar, Near Shiv Temple, District Surguja Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Horticulture And Field Forestry, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Director Indravati Bhavan 2nd Block 4th Floor Atal Nagar Raipur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Faisal Akhtar, Advocate.
For State	:	Ms. Shriya Mishra, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10/05/2019

1. Ignoring the default pointed out by the Registry, the matter is heard finally at motion stage and disposed off.
2. 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.
3. 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 a list was issued for 39 candidates from the remaining waiting list candidates vide

order dated 06/10/2018 and 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.

4. Considering the fact that the department has in the past issued an 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 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 the remaining 18 posts if the department intends to fill up those posts from the waiting list be completed 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. 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.
5. 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.
6. Accordingly, the writ petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**