

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT PETITION (S) NO.4129 OF 2019

Rekhram Patel S/o Tikaram Patel Aged About 44 Years Working As A Assistant Teacher Panchayat, Govt. High School, Bhukel, R/o Village Mudipar, Post Office Gadhbela, Block Division Pithaura, District Mahasamund Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Panchayat Department, Mantralaya Mahanadi Bhawan, Capital Complex, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Collector Mahasamund, District Mahansamund Chhattisgarh.
3. Chief Executive Officer Janpad Panchayat Basna, District Mahasamund Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Soumitra Kesharwani on behalf of Shri Awadh Tripathi, Advocate.
For Respondents-State	:	Ms. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

17.06.2019

1. The claim of the petitioner in the instant case is for considering his claim for seniority from the year, 2009 onwards.
2. According to the petitioner, he had participated in the recruitment process in the year 2009 and his name appeared in the waiting list at serial No.1. According to the petitioner though all the other selected candidates were appointed in the year, 2009 itself, but the petitioner inspite of there being vacancy available was not granted appointment and was granted appointment only on 16.07.2015. Thus, the petitioner now has claimed for granting seniority from the year, 2009 onwards.

3. This court does not find the claim put forth by the petitioner to be one which could be sustained as the petitioner apparently was placed in the waiting list. The appointment orders for candidates in the waiting list is always issued subsequent to the candidates selected on merits. The petitioner cannot equate himself with the meritorious candidates in whose favour the order of appointment have been issued at the first instance. Moreover, the petitioner in the year, 2015 itself has with wide open eyes accepted the appointment order and joined the services and is working till date and now after a period of four years have filed the present writ petition.
4. Seniority can only be granted to the petitioner from the date of initial appointment. It is not a case where the petitioner had been found meritorious along with the other selected candidates and he had been singled out from being given appointment. Rather, it is a case where his name appeared in the waiting list and the department has subsequently considered the claim of the petitioner and granted him appointment vide order dated 16.07.2015. Therefore, the petitioner would be entitled for the seniority only from 16.07.2015 and not from the back date.
5. The writ petition accordingly being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge