

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4174 of 2019**

Pradip Kumar S/o Raj Pothi, Aged About 39 Years, R/o Durgesh Kirana Store, Ganesh Chowk, Camp 2, Bhilai, District Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Its Secretary, Department Of Agriculture Mahanadi Bhawan, Atal Nagar, (Naya Raipur), P. O. And P. S. Rakhi, Raipur, District Raipur, Chhattisgarh
2. Director, Directorate Of Agriculture, Raipur, District Raipur, Chhattisgarh
3. Director, Soldier Welfare Department, Kachari Parisar, Behind Homeguard Office, Raipur, District Raipur, Chhattisgarh

---- Respondents

For Petitioners	:	Mr. Mateen Siddiqui, Advocate
For State	:	Mr. Saleem Kazi, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

18.06.2019

1. The present writ petition has been filed claiming for the following two reliefs:
 - (i) That this Hon'ble Court may kindly be pleased to quash the order dated 13.08.2018 (P/1) passed by Directorate Agriculture, Raipur.
 - (ii) Kindly be pleased to direct the respondent authority to consider the petitioner's candidature for the post Surveyor in Agriculture Department.

2. The brief facts of the case are that the State Govt. had issued an advertisement on 02.03.2017 for filling up of the post of Surveyor. The number of total posts was 123 of which 10% was reserved for ex-servicemen i.e. 11 posts out of 123. The advertisement was acted upon and the selection process was completed. Out of 11 reserved seats for ex-army only one candidate could succeed in the selection process and 10 posts were left vacant.
3. At this juncture, it would be relevant to mention that the petitioner had in fact not applied for the said post against the advertisement issued on 02.03.2017. He had also not undergone the selection process as was required under the advertisement dated 02.03.2017.
4. The petitioner has filed the present writ petition seeking for 2 reliefs as mentioned above on the basis of certain correspondences that the State Govt. had made with the Sainik Welfare Board for providing the details of eligible candidates who could be considered for appointment on the post of Surveyor. The Directorate of the Sainik Welfare Board vide their correspondence dated 26.05.2018 had given the name of 5 ex-army personnel who have eligibility criteria for the post of Surveyor. Based on the said letter the Director, Agriculture issued Annexure P-1 dated 13.08.2018 to the Secretary, Department of Agriculture and Biotechnology in respect of the receipt of the names of 5 ex-army personnel but in the absence of these persons having not applied for the said post, appropriate guidelines and instructions have been sought. It is this correspondence which has been challenged by the petitioner in the present writ petition. The petitioner has also sought for a direction

to the State Govt. to consider the petitioner on the post of Surveyor.

5. At the outset, this Court is of the opinion that since the petitioner had not applied for the said post when the advertisement was issued and the petitioner having not undergone the recruitment process which was initiated, in addition the recruitment process having been completed wherein only one candidate from ex-army succeeded, this Court does not find any substantive right vested on the petitioner for a direction to the State Govt.
6. So far as Annexure P-1 is concerned, it is an internal correspondence made by the Agricultural Department. That until and unless the State Govt. or the Department takes a decision permitting the petitioner to be considered for the said post, the petitioner does not have a right created in his favour for any direction which could be issued by this Court.
7. The writ petition fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
JUDGE