

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5974 OF 2019**

Vikas Raj S/o Jamun Singh Raj Aged About 25 Years R/o Behind Balti Factory, Jora Para, Sarkanda, Bilaspur, District - Bilaspur, Chhattisgarh.

...Petitioner(s)

Versus

1. High Court of Chhattisgarh Through the Registrar General, High Court of Chhattisgarh, High Court Campus, Bodri, Bilaspur, Chhattisgarh.
2. Chhattisgarh Professional Examination Board Raipur, Through Its Secretary, North Block, Sector-19, Atal Nagar, New Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Abhijeet Mishra, Advocate.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

08.08.2019

1. Challenge in the present Writ Petition is to the select list Annexure P/5.
2. The facts of the case is that, the petitioner had applied for selection for the post of Assistant Grade-III under the respondents in the advertisement which was published on 04.11.2018. The petitioner having participated in the recruitment process after having successfully cleared written examination was called upon to participate in the skill test which was conducted on 13.05.2019. The skill test was that of typing examination for both Hindi as well as English subject. The scores for two typing examinations was 25 marks each. As per advertisement, the passing marks allotted for the skill test was 40 percent.
3. The grievance of the petitioner is that, there are many candidates in the select list who have not scored any marks in one of the skill test and have scored maximum marks in only one of the skill test and yet have been found qualified only on account of fact that they were able to get more than 40 percent marks in their skill test. Further grievance of the petitioner is that, if the bifurcation of the two skill test have been done, the requirement of having scored minimum in each of the two skill test was mandatorily to have been considered by the department. In the absence of

which the very purpose of conducting skill test for the two examinations becomes redundant.

4. All said and done, this court is of the opinion that once when the advertisement was published and the procedure for selection was also prescribed in the advertisement itself and which was never under challenge at that point of time, the petitioner now having participated in the selection process and having taken the calculated risk and now because he could not make it to the select list, he cannot be permitted to challenge the recruitment process.
5. Indisputably, in the advertisement there is no such specification given of the requirement of scoring any minimum marks in the two skill tests that were conducted. The requirement in the skill test was to score minimum of 40 percent marks for qualifying. There was no condition stipulating any minimum cut off marks required to be obtained in the two skill test respectively.
6. Under the circumstances, it cannot be said that the action on the part of the respondents was bad in law, malafide or arbitrary. The decision of the respondents has been, in accordance with the conditions stipulated in the advertisement itself. The Supreme Court, time and again, have settled the issue that a candidate who has, with wide open eyes, participated in the recruitment process and on being unsuccessful, cannot now turn down challenging the condition of the recruitment process.
7. The writ petition accordingly being devoid of merit deserves to be and is rejected.

Sd/-
(P. Sam Koshy)
Judge