

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6326 of 2019**

Saudamini Haldar D/o Shree Sameer Kumar Haldar Aged About 25 Years
 Village Vishram Nagar, P/o Chandra Nagar, Balrampur, District Balrampur,
 Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Health, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director Of Health Services Indrawati Bhawan, Naya Raipur District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Chhattisgarh Professional Examination Board Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
4. Collector Surguja District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
5. Joint Director Health Services Division Surguja Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Respondents

For Petitioner	:	Ms. Sharmila Singhai, Advocate
For State	:	Mr. Ayaz Naved, GA

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

22/08/2019

1. The relief sought for by the petitioner is for in the present writ petition is for a direction to the respondents to consider the case of the petitioner for appointment as a Staff Nurse in the General Category.
2. Perusal of the record would show that petitioner had participated in the recruitment process initiated vide advertisement dated 07.12.2017. The written examination were conducted and petitioner

obtained overall ranking of 17. The petitioner belongs to the Unreserved General category. The total number of vacancies advertised in the unreserved general category was 3 and there were 18 posts reserved for the Ex-service Men in the unreserved category.

3. Contention of the petitioner is that petitioner was not called for first round of counseling as the total candidates to be called for was at the ratio of 1:3 and therefore only 9 candidates were called and appointment orders were issued. Further contention of the counsel for the petitioner is that she has received instructions from her client that department has subsequently converted unfilled Ex-service men quota to fill by reserved category candidates and respondents at the same time also were supposed to convert the ex-service men quota with the unreserved category, also to be filled up by General category candidates other than ex-service men.
4. The record shows that petitioner under right to information has sought certain information from the department vide their letter dated 13.06.2019 as specifically submitted that department has not converted any Ex-service men quota to be filled up from among the SC,ST & OBC candidates and the department has also given information that they have not prepared any waiting list to be filled up in case, if the posts are not filled up by selected candidates.
5. On a query being put to the counsel for the petitioner she was not in a position to submit that somebody who has secured less than the petitioner and who stands lower in the merit list have been appointed against the unreserved category post.

6. In view of the same, the petitioner as such as on date may not have any indefeasible right for any directions or a writ to be issued to the respondents for considering her claim.
7. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Rohit