

**HIGH COURT OF CHHATTISGARH, BILASPUR****WA No. 418 of 2019**

*{Arising out of Order dated 06/08/2019 passed in Writ Petition(S) No.5744 of 2019 by  
the learned Single Judge}*

- Ramesh Kumar Sahu S/o Shri Mehataru Ram Sahu Aged About 40 Years R/o Village and P.O. Karamtara, Tahsil Dongargaon, District Rajnandgaon Chhattisgarh

**----Appellant/petitioner****VERSUS**

1. State of Chhattisgarh Through Secretary, Department of Veterinary / Agriculture Services, Mahanandi Bhawan, Mantralaya, Atal Nagar Naya Raipur District Raipur Chhattisgarh
2. Director, Veterinary Services, Raipur, Chhattisgarh
3. Deputy Director, Veterinary Services, Rajnandgaon, Chhattisgarh

**-----Respondents**


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| For Appellant        | : | Mr. S.B. Pandey, Advocate      |
| For Respondent-State | : | Mr. Vikram Sharma, Deputy G.A. |

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**Hon'ble Shri P.R. Ramachandra Menon, Chief Justice****Hon'ble Shri Parth Prateem Sahu, Judge****Order on Board****Per P.R. Ramachandra Menon, C.J.****19/09/2019**

1. The correctness and sustainability of the verdict passed by the learned Single Judge in declining interference with the prayers sought for by the writ petitioner is put to challenge in this appeal.
2. Heard Mr. S.B. Pandey, learned counsel appearing for the appellant as well as Mr. Vikram Sharma, learned Deputy Government Advocate representing the State, at length.
3. The factual matrix reveals that the advertisement was issued way back in the year 2011 for appointment of the post of Cleaner/Attendant-cum-Watchman by the Department of Veterinary Services, Chhattisgarh. The said notification issued by the 3<sup>rd</sup> respondent was subsequently corrected, lastly by the

notification dated 20-12-2012. Admittedly, the petitioner projected his candidature as a 'general candidate', who could not get through the selection. The grievance now raised before this Court, after 7 or 8 years of long slumber, is that some of the selected candidates have not joined duty and since the petitioner/appellant is a member of 'OBC' and if his candidature as an OBC is considered, he would have obtained appointment. Without considering the merit of the case, the matter was dismissed as belated by the learned Single Judge, which made him to approach this Court by filing the present appeal.

4. With regard to the merits involved, even the admitted version clearly shows that it is not a matter which is fit for interference, the appellant having applied as a 'General candidate' and not as an OBC candidate.
5. It is a settled law that candidature claiming appointment as a 'general candidate' cannot be sought to be varied subsequently. The grievance of the petitioner/appellant came to be aired for the first time by filing a representation only on 27-05-2019, virtually, '6½ years' after the last advertisement dated 20-12-2012. The lapses on the part of the litigant, under such circumstance, cannot be brushed aside casually, in exercise of discretionary jurisdiction of this Court under Article 226 of the Constitution of India. We find support from the ruling rendered by the Supreme Court in the matter of **Rabindranath Bose v. Union of India**, reported in **AIR 1970 SC 470**. In view of the above, we are of the view that there is neither merit nor any tenable ground to condone the inordinate delay. The verdict passed by the learned Single Judge is perfectly within the four walls of law and is not assailable under any circumstance. Interference is declined and the appeal stands dismissed.

Sd/-  
**(P.R. Ramachandra Menon)**  
 Chief Justice

Sd/-  
**(Parth Prateem Sahu)**  
 Judge