

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9263 of 2019**

- Nathuram Chandrakar S/o. Kejuram Chandrakar Aged About 65 Years Retd. Assistant Director, Agriculture Department, Block Bagbahra, District Mahasamund Chhattisgarh, R/o. Ward No. 1, Behind Petrol Pump, Ishwari Bal Vidya Mandir, Bagbahra, District Mahasamund Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Agriculture Department, Mahanadi Bhavan, Mantralaya, Atal Nagar, Raipur , District Raipur Chhattisgarh
2. Director Sameti Raipur, Rajya Krishi Prabandhan And Vistar Prashikshan Sansthan, Sameti, Indira Gandhi Krishi Vishwavidyalaya Parisar, Labhandi, Raipur, District Raipur Chhattisgarh
3. Deputy Director Agriculture And Project Director (Atma) Mahasamund Chhattisgarh
4. R.K. Sharma Office Assistant Director, Agriculture In The Office Of, Deputy Director, Agriculture Mahasamund, District Mahasamund Chhattisgarh

---- Respondents

For Petitioner	:	Shri H.B. Agrawal, Sr. Adv. With Shri Shashi Kumar Kushwaha, Advocate
For Respondents/State	:	Shri Alok Bakshi, Addl. AG

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****14/11/2019**

1. Heard.
2. The instant petition is filed for the following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to allow the petition by quashing appointment of respondent No.4 since not

applied for the post of facilitator, while it is admitted that sole candidature of petitioner therefore holding that he was the only competent person, therefore rejecting his candidature without any proof in Annexure P/3 and P/7 be quashed.

10.2 Costs of the petition be awarded and

10.3 Any other relief or direction which the Hon'ble Court may deems fit, be also awarded.”

3. The petitioner contends that the petitioner was appointed to the post of facilitator by the agriculture department for a project namely ATMA in the year 2018 by order dated 24.05.2018 (Annexure P-9) for one year. It is contended that according to the policy, the facilitator are to be appointed who have definite training of MANAGE as per clause 6.2 (vi). It is contended that subsequent to the tenure again the application has been filed, however, the said application was not considered on the ground that the past work rendered by the petitioner was not satisfactory. It is contended that to appoint a facilitator a person should have held particular training and from the result of the past year, it would be wrong to say that the petitioner has failed to discharge his job. The petitioner contends that he is the only trained facilitator to be appointed and looking to the past result, it cannot be branded that his services were not satisfactory.
4. Per contra, learned State counsel opposes the arguments advanced by learned counsel for the petitioner and would submit that it was only tenure appointment of one year. Since the services of the petitioner was not satisfactory, as such it was not considered to be appointed when the fresh application was filed.
5. Perusal of the document would show that the petitioner after retirement was appointed as a facilitator by order dated 24.05.2018 (Annexure P-9) for one year. Admittedly, tenure of one year has lapsed. Subsequent reading of Annexure P-7, which is an internal correspondence, would show that again for

the post of Facilitator the petitioner had applied to be appointed, however, letter of appointment was not considered since only one application was received coupled with the fact that the State was of the opinion that the past conduct of the petitioner was not satisfactory. Therefore, if the State was not satisfied with the service rendered by the petitioner as an employer then the person who seeks engagement with the State cannot give a self certification of his superiority to be appointed to a particular post. It is the prerogative of the State to appoint a particular person or to take the service of a particular person for a particular project even if he is expert. No mandamus can be issued to state that a particular person if has applied to a post should be appointed on the basis of his self certification.

6. The petition is completely misconceived and devoid of all force it is dismissed at the threshold.

Sd/-

Goutam Bhaduri
Judge