

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 10187 of 2019

Mithlesh Vishwakarma W/o Late Holar Vishwakarma Aged About 40 Years
R/o Village Dhol (Jamul), District Durg , Chhattisgarh 490024.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Panchayat And Rual Development Mantralaya Mahanadi Bhawan Atal Nagar Raipur Chhattisgarh
2. The Chief Engineer Rural Engineering Services Office Of Developmental Commissioner Raipur Chhattisgarh
3. The Development Officer Panchayat And Rural Development Department Raipur Chhattisgarh.

---- Respondents

For Petitioner	: Shri Sabyasachi Bhaduri, Adv.
For State	: Shri V.R. Tiwari, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

16.12.2019

1. The challenge in the present writ petition is to the notification dated 01.06.2019 (Annexure P1) wherein the respondent No. 2 has decided to go in for a fresh recruitment process for filling up for the four posts of Driver in the women category.
2. Counsel for the petitioner herein has sought for a direction to the respondents to consider the claim of the petitioner on the post of Driver against the recruitment process initiated by the respondent No. 2 vide order dated 24.06.2017.
3. On a query being put to the Counsel for the petitioner, he fairly admits that initially advertisement dated 24.06.2017 was published for filling of 17 posts of Driver, however, respondents have only filled up 13 posts and appointments have already been issued to those thirteen persons as such recruitment process has been completed.

4. According to the Counsel for the petitioner, primarily, when the earlier advertisement was acted upon, the respondents did not provide any reservation to the women candidates and the petitioner was the sole woman candidate who had participated in the selection process and had also been selected but could not get an appointment.
5. The second contention of the petitioner is that she is making repeated representations with the respondents for grant of women reservation from the advertisement dated 24.06.2017 but the respondents have not granted any reservation. Now they are going in for a fresh recruitment exclusively for the women candidates from the posts that were not filled up in the previous advertisement, i.e. the four posts which were not filled up at that stage.
6. Having considered the contention put forth by the Counsel for the petitioner, this Court is of the opinion that so far as the claim of the petitioner for consideration on the posts of Driver arising out of advertisement dated 24.06.2017 is concerned. This Court does not find a strong case made out by the petitioner for the reason that the petitioner, at this juncture, never raised the claim so far as women reservation is concerned nor she agitated for the same before any Court of law promptly or within a reasonable period. Though, advertisement was published for filling up 17 posts, the respondents however had filled up only 13 posts, four posts was left unfilled. These unfilled four posts are the one which the respondents have now decided to go in for a fresh recruitment to be filled up only by women candidates. The petitioner should not be aggrieved by the said order dated 01.06.2019 (Annexure P-1) for the reason that the

petitioner also subject to here fulfilling the eligibility criteria would be entitled to participate in the same. Moreover, the petitioner, right from June 2017 till the notification dated 01.06.2019 was published, never approached any competent Court of law for the claim that she is making.

7. Under the circumstances, the petitioner as of now would not have any right for claiming appointment from the advertisement which already stands acted upon and having been filled, particularly, when the respondents have now initiated steps for go in for afresh recruitment process wherein the petitioner also has an equal chance for participating/ appearing in the recruitment process.
8. The writ petition being devoid of merits deserves to be and is according rejected.

Sd/-

**(P. Sam Koshy)
Judge**

Jyotijha