

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 3025 of 2013**

Srikumar K. Pallai, S/o N.K. Pallai, Aged about 43 years, R/o Korba, Qtr. No. E-78, CSEB Colony, Darri, Korba West, Police Station and Post Korba, Civil and Revenue District Korba, Chhattisgarh.

**---Petitioner****Versus**

1. Chhattisgarh State Power Holding Company Limited (CSPHCL), Raipur, A Govt. of Chhattisgarh of CSEB, through the Managing Director (Holding), Chhattisgarh State Power Holding Company Limited (CSPHCL), Raipur, Chhattisgarh.
2. Deputy General Manager (HR-II), Chhattisgarh State Power Holding Company Limited (CSPHCL), Raipur, Chhattisgarh.
3. Additional General Manager (HR), Chhattisgarh State Power Holding Company Limited (CSPHCL), Raipur, Chhattisgarh.
4. Chairman, Chhattisgarh State Power Companies Limited, Raipur, Chhattisgarh.

**--- Respondents**

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For Petitioner :- Mr. Manoj Paranjpe, Advocate

For Respondents :- Mr. Sushobhit Singh, Advocate

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board (Through Video Conferencing)**

**30/06/2021**

1. By way of this writ petition, the petitioner has called in question the cancellation of the recruitment process for the post of Accounts Officer/Assistant Manager by the respondent company vide impugned order dated 29/05/2013 (Annexure P-1).
2. It is stated at the Bar that during the course of pendency of this writ petition, the recruitment process has again been initiated afresh for filling up the same posts in which petitioner has also participated and he has been found unsuccessful in the second recruitment process.
3. Mr. Sushobhit Singh, learned counsel for the respondents, would submit that in view of the decision rendered by the Supreme Court in the matter of **Suneeta Aggarwal v. State of Haryana And Others**<sup>1</sup>, the petitioner cannot further challenge the impugned order as he has already participated in the subsequent recruitment process, as such, the writ petition deserves to be dismissed having become infructuous.

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<sup>1</sup> (2000) 2 SCC 615

4. I have heard learned counsel for the parties at length and went through the records.

5. The Supreme Court in the matter of Suneeta Aggarwal (supra) has held in paragraph 4 as under :-

"4. We have heard learned counsel for the parties. Narration of aforesaid facts would show that the appellant had disintitiled herself to seek relief in the writ petition filed by her before the High Court. The appellant did not challenge the order of the Vice Chancellor declining to accord approval to her selection and, on the contrary, she applied afresh to the said post in response to re-advertisement of the post without any kind of protest. Not only did she apply for the post, but also she appeared before the Selection Committee constituted consequent upon re-advertisement of the post and that too without any kind of protest, and on the same day she filed a writ petition against the order of the Vice Chancellor declining to accord his approval and obtained an ad-interim order. In the writ petition she also did not disclose that she has applied for the post consequent upon second advertisement. The appellant having appeared before the Selection Committee without any protest and having taken a chance, we are of the view that the appellant is estopped by her conduct from challenging the earlier order of the Vice Chancellor. The High Court was justified in refusing to accord any discretionary relief in favour of the appellant. The writ petition was rightly dismissed."

6. Following the principle of law laid by the Supreme Court in Suneeta Aggarwal (supra) and considering the fact that petitioner has already taken a calculated chance and participated in the second recruitment process and now he has been found unsuccessful, he is estopped from challenging the impugned order and even otherwise, cancellation of first recruitment process has been done by the

respondent authorities for valid reasons. As such, I do not find any good ground for quashing the impugned order (Annexure P-1) as much water has been flown and the second recruitment process has already been concluded and petitioner has remained unsuccessful therein.

7. In that view of the matter, the instant writ petition stands disposed of. No cost(s).

**Sd/-**  
**(Sanjay K. Agrawal)**  
**Judge**

Harneet