

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 5294 of 2012**

Dhalesh Kumar Patel S/o Shri Bhojram Patel, Aged about 35 years, R/o Village and Post Laksra, P.S. and Tahsil Dabhra, Distt. Janjgir-Champa, Chhattisgarh.

---Petitioner

Versus

- 1.State of Chhattisgarh, through the Secretary, Education Department, D.K.S. Bhawan, Raipur, Chhattisgarh.
- 2.C.G. Public Service Commission, Raipur through Chairman C.G. Public Service Commission, Raipur, Chhattisgarh.
- 3.Examination Controller Chhattisgarh Public Service Commission, Raipur, Chhattisgarh.
- 4.Secretary, C.G. Raipur Public Service Commission, Raipur, Chhattisgarh.

---Respondents

For Petitioner :- Mr. S.K. Verma, Advocate

For Respondent 1/State :-

Mr. Animesh Tiwari, Dy. A.G.

For Respondents 2 – 4 :-

Mr. Ashish Shrivastava, Senior Advocate
with Mr. Aman Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/09/2021

- 1.Petitioner herein calls in question the selection list issued by respondent No. 3 on 22/08/2012

(Annexure P/1) for the post of Assistant Professor in the recruitment held in the year 2009 wherein petitioner applied under OBC category but he was not selected.

2.Mr. S.K. Verman, learned counsel for the petitioner, would submit that though petitioner belongs to OBC category as reflected from the caste certificate dated 15/11/2010 (Annexure P/11) and he was allowed to appear in the interview, but he was not selected and appointed on the post of Assistant Professor by the respondents which is unsustainable and bad in law.

3.Mr. Ashish Shrivastava, learned senior counsel appearing for respondents No. 2 to 4, would submit that petitioner was eligible and was called for interview for the post of Assistant Professor by call letter dated 04/10/2010 in which as per clause 2.6 of the said call letter, he was required to produce permanent caste certificate issued by the authorized competent officer (Sub-divisional Officer – Revenue), but the petitioner could not produce permanent caste certificate which is apparent from the fact that the temporary caste certificate enclosed by him is dated 18/10/2010 (Annexure P/11) which is pursuant to the date of call letter for interview dated 04/10/2010,

therefore, petitioner has rightly not been selected and even thereafter, the appointment orders were issued to the selected candidates on 12/11/2012 but this writ petition has been filed on 29/11/2012 and the selected candidates have not been added as a party/respondent in the petition and their selection has not been questioned, as such, the writ petition deserves to be dismissed.

4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and went through the records with utmost circumspection.

5. Petitioner was called for interview as per call letter dated 04/10/2010 (Annexure P/9) and clause 2.6 of the said call letter clearly provides that in case if the candidate desires to take the benefit of reservation of Other Backward Classes, the candidate was compulsorily required to submit the permanent caste certificate issued by the authorized competent officer (Sub Divisional Officer – Revenue) of the State, but the petitioner admittedly though claimed reservation against OBC category, but he did not furnish his caste certificate at the time of interview on 21/10/2010 duly issued by the Sub-divisional Officer (Revenue)/any of the Sub-divisional Officers within the State of Chhattisgarh and therefore, he was not

allowed to appear for interview which is apparent from petitioner's own showing that he has filed caste certificate dated 15/11/2010 which is after the date of interview i.e. 21/10/2010 and is impermissible as per clause 2.6 of the interview call letter. The caste scrutiny committee verified the caste certificate of the petitioner on 19/01/2011 i.e. much after the date of interview on 21/10/2010 and the caste certificate dated 15/11/2010 was also issued after the date of interview, as such, since the petitioner could not fulfill one of the conditions prescribed in the interview /call letter, therefore, his candidature has rightly been rejected. Even otherwise, the selected candidates have been appointed on 12/11/2012, but they have not been impleaded as party/respondent whereas the writ petition has been filed on 29/11/2012, as such, the appointment of the selected candidates has become final and no interference can be made in absence of challenge to their appointment on the post of Assistant Professor.

6. Accordingly, the writ petition deserves to be and is accordingly dismissed. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge