

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (SERVICE) NO. 1983 OF 2021**

1. Dipa Das, D/o Tejendra Das, aged about 50 years, R/o Bhagat Singh, Ward No.6, Jagdalpur, District Bastar (CG)
2. Preeti Vankhede, D/o Late K.L. Vankhede, aged about 48 years, R/o Avanti Vihar Colony, Guru Govind Singh, Ward No.36, Dharampura-1, Jagdalpur, District Bastar (CG)

...Petitioners**versus**

1. State of Chhattisgarh, through the Secretary, Department of Food, Civil Supplies and Consumer Protection, Atal Nagar, Mantralaya, Nawa Raipur, District Raipur (CG)
2. The Incharge Food Controller, Jagdalpur, District Bastar (CG)
3. The Collector, Jagdalpur, District Bastar (CG)

... Respondents

For Petitioners	:	Mr. Vikas A. Shrivastava, Advocate.
For Respondents	:	Mr. Rahul Jha, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****23/06/2021**

1. Grievance of Petitioners in the present Writ Petition is the non-permission granted to them to be considered for the post of Member, District Consumer Disputes Redressal Forum, Jagdalpur on the basis of their application made under the previous advertisement that was published on 28.11.2020.

2. Petitioners herein are the Lawyers practicing at District Court, Jagdalpur. Pursuant to an advertisement issued on 28.11.2020 for filling up of the post of Member, District Consumer Disputes Redressal Forum, Jagdalpur, the Petitioners had applied for the said post. Though, the said advertisement was not further proceeded with. Subsequently, the Department has now issued a fresh advertisement on 30.12.2020 and by way of a corrigendum the last date of submission was further extended upto 5.2.2021.

3. Petitioners seem to have not filed their application to the fresh advertisement that the Department had issued and, in the process, the last date of submission of application also gets over and the Department has proceeded further with the advertisement.

4. Now, the present Writ Petition has been filed by Petitioners claiming the relief that the application that they had submitted to the first advertisement that was published on 28.11.2020 be considered as an application for the subsequent advertisement also and the Department may process their application also for the said post.

5. Learned Counsel for State on instructions submits that the earlier advertisement dated 28.11.2020 was one which was issued under the unamended provisions of the Consumer Protection Act, 1986. However, subsequently, there was an instruction received from the Secretary of the Department that any recruitment which has to be made that has to be done in the light of the amended provisions which were prevailing at the relevant point of time. Given the said facts, a new fresh advertisement has been published by the Department wherein the Petitioners also could have participated but for the reasons best known to them they did not submit their application.

6. Learned State Counsel further submits that as a consequence of the publication of the subsequent advertisement, the earlier advertisement stands dropped automatically as the subsequent advertisement also was for filling up of the same post and wherein the Petitioners also could have participated.

7. Having heard the submissions put forth on either side and on perusal of record, undoubtedly, there seem to have two advertisements issued by the Department; one on 28.11.2020 and the other on 30.12.2020. Both the advertisements were for the same post. In the subsequent advertisement, there was no protection given to the applicants who had applied under the first

advertisement. Petitioners herein also had a chance of submitting their applications under the subsequent advertisement also, which admittedly neither of the Petitioners have availed. In the absence of any specific protection being given to the applicants in the subsequent advertisement, no right whatsoever stands conferred in favour of Petitioners. Petitioners, at the same time, also had a chance of applying under the new advertisement, but for the reasons best known to them they did not. Under the circumstances, the Petitioners at this juncture cannot be granted any relief in the given factual backdrop of the case.

8. Writ Petition therefore sans merit and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

sharad