

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3957 of 2021**

1. Punitram S/o Budhram Aged About 38 Years R/o Nawapara Colony, Raigarh Tahsil And District Raigarh Chhattisgarh
2. Uday Aghariya S/o Santram Aghariya Aged About 49 Years R/o Chhal Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
3. Anup Kumar S/o Chaturbhuj Aged About 23 Years R/o Nawapara Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
4. Vincent Kispotta S/o S. Kispotta Aged About 51 Years R/o Chhal Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
5. Jai Prakash Rathiya S/o Kailash Singh Aged About 22 Years R/o Eddu, Raigarh Tahsil And District Raigarh Chhattisgarh.
6. Chinilal Yadav S/o Gahirdas Aged About 48 Years R/o Domnara Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
7. Louki Lal Bhagat S/o Munnaram Aged About 48 Years R/o Nawapara Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
8. Asrit Ram Rathiya S/o Rathu Singh Aged About 39 Years R/o Lat, Raigarh Tahsil And District Raigarh Chhattisgarh.
9. Neklal Sidar S/o Sushardan Sidar Aged About 50 Years R/o Domkara Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
10. Vivekanand S/o Puran Singh Aged About 27 Years R/o Lat Raigarh Tahsil And District Raigarh Chhattisgarh.
11. Parmeshwar Bhagat S/o Jagatram Aged About 49 Years R/o Chhal Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
12. Saniram Toppo S/o Firan Toppo Aged About 45 Years R/o Chhal Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
13. Prabhat Kumar S/o Mohitram Aged About 41 Years R/o Lat Raigarh Tahsil And District Raigarh Chhattisgarh.
14. Bharat Kumar S/o Shiltlal Sai Aged About 38 Years R/o Chhal Colony, Raigarh Tahsil And District Raigarh Chhattisgarh.
15. Nurulla S/o M.D. Habib Aged About 46 Years R/o Ward No. 32, Qtr. No. 40, Gadaipara, Chirimiri District Korla Chhattisgarh.

---- Petitioners**Versus**

1. South Eastern Coalfields Limited Through Chairman Cum Managing Director , Secl Head Quarters , Seepat Road, Bilaspur , District Bilaspur Chhattisgarh.
2. Director (Personal) South Eastern Coalfields Limited, Head Quarters, Seepat Road, Bilaspur , District Bilaspur Chhattisgarh.
3. General Manager , (Personal And Administration) South Eastern Coalfields Limited, Head Quarters, Seepat Road, Bilaspur , District Bilaspur Chhattisgarh.

4. The General Manager (Commercial / Nee/ Pf/ Pension) South Eastern Coalfields Limited, Head Quarters , Seepat Road, Bilaspur , District Bilaspur Chhattisgarh.

----Respondents

For Petitioners	:	Mr. K.P.S. Gandhi, Advocate
For Respondents	:	Mr. Vinod Kumar Deshmukh, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/08/2021

1. Aggrieved by Annexure P/1 dated 03.04.2021, the present writ petition has been filed. Vide the impugned order the respondents have cancelled the selection process of departmental candidates for the post of Security Guard (T).
2. The petitioners herein were invited for a departmental selection process in the year 2019. The petitioners appeared in the written examination and had cleared the same also in 2019. However, thereafter there has not been any further progress on the selection process, hence the petitioner subsequently approached this Court vide WPS No. 5302/2020 and this Court vide its order dated 15.01.2021 disposed of the same directing the respondents to take an appropriate decision on the said selection process at the earliest preferably within a period of 90 days. Pursuant to which now the respondents have issued the impugned order Annexure P/1, whereby they have decided to cancel the entire selection process itself. It is this order which is under challenge in the present writ petition.
3. Before proceeding further it would be relevant at this juncture to take note of the operative part of the order Annexure P/1 :

“Keeping in view the prevailing Law and Other Situation in operational Areas of SECL, security perceptions in Sensitive locations, availing of skilled security personnel by way of deployment of MP State Industrial Security Forces (SISF), CG State Home Guards and further induction of Tripura State Rifles (which is under process) besides availability of CISF personnel, **the selection process of Departmental candidates for the post of Security Guard (T) with reference to above mentioned Notification(s) is hereby cancelled.**”

4. If we look into the contents of the aforesaid order mentioned in the preceding paragraph, it would clearly reveal that the respondents have given specific reasons which led to the cancellation of the selection process. The reason assigned is the policy decision now taken by the respondents in so far as the operational areas of SECL is concerned. Considering the location of operation being sensitive and the security perceptions required there, the Department has decided to avail the services of Field Security Personnels by taking the services from the Madhya Pradesh State Industrial Security Force and also taking assistance from the Home Guards from the State of Chhattisgarh, in addition to the availability of the CISF personnel and the induction of the Tripura State Rifles, the process of which is already undergoing.
5. These reasons assigned by the respondents are administrative reasons taken by the respondents considering the need of the hour and also taken as a policy decision, which made them feel that there was no requirement as of now for proceeding further with the selection process for the post of Security Guard by way of departmental selection process. This being a purely administrative decision which specific reasons assigned. The scope of judicial interference exercising the writ jurisdiction at this juncture would be too minimal. There is no malafides attributed against any of the officers of the respondents, nor is there any statutory right conferred upon the

petitioners in respect of the said selection, which are few of the grounds, which could had been available for the petitioners to subject the impugned order for judicial review.

6. In the absence of any malafides attributed or in the absence of any statutory rights available with the petitioners, the decision of the respondents cannot be said to be in any manner arbitrary. However, this Court would like to express of words of caution to the respondents while upholding Annexure P/1 that having cancelled the selection process of Security Guard (T) vide the impugned order, the respondents should not deviate from their stand at a later stage in the near future and calling for a fresh selection process altogether again.
7. With the aforesaid observations, the writ petition at this juncture stands rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved