CGHC010254082024 2026:CGHC:46610

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 4280 of 2024

Devendra Kumar Kuldeep S/o Shri Lakhan Singh Aged About 43 Years R/o House 355, Gulab Pujari Ward, Village Antagarh, Tahsil- Antagarh, District- Kanker, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary Chhattisgarh Skill Development Technical Education And Employment Department Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh

2 - Director Directorate Of Employment And Training Indrawati Bhawan, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh

3 - Chhattisgarh Professional Examination Board Raipur District Raipur, Chhattisgarh

... Respondents

For Petitioner	**:**	Ms. Deepali Pandey, Advocate
For Respondents No. 1 & 2/State`	**:**	Mr. Vivek Mishra, Panel Lawyer
For Respondent No.3	**:**	Ms. Akanksha Singh, Advocate on behalf of Dr. Saurabh Kumar Pandey, Advocate.

Hon'ble Shri Justice Naresh Kumar Chandravanshi, J

Order on Board

(03rd November, 2026)

The petitioner has filed the instant petition under Article 226 of the Constitution of India seeking direction to respondents No. 1 & 2 to issue appointment order and joining letter to the petitioner being meritorious and selected candidates for the post of Training Officer (Mechanical Diesel).

2. Facts of the case, in brief, are that respondent No.2/Director, Employment and Training, Raipur issued an advertisement dated 5.5.2023, which was published in the daily newspaper on 6.5.2023, and subsequently amended on 13.5.2023, for filling up various posts of Training Officers in Govt. Industrial Training Institutes. The petitioner submitted his application for the post of Training Officer (Mechanical Diesel). He cleared the written examination successfully and secured meritorious position, hence was called for documents verification/counselling in which his documents were duly verified and accepted by the respondent authorities. However, despite that, appointment order has not been issued to him without explaining and informing him any reason in this regard.

3. Learned counsel for the petitioner submits that despite the petitioner being eligible, meritorious and selected candidate for the post of Training Officer (Mechanical Diesel), he has not yet been issued appointment order. She further submits that for the first time, the petitioner came to know after filing of the Reply by the State that the petitioner has not been issued appointment order only because in some of various writ petitions filed by the aspirants/non-selected candidates for the aforesaid post, this Court has passed an interim order, thereby directing the respondent authorities for keeping one post of Training Officer (Mechanical Diesel) vacant. However,

this Reply of the State is completely vague whereas as per information obtained by the petitioners, there are total 26 posts of Training Officer (Mechanical Diesel), which are still lying vacant, against which the petitioner can be appointed. Lastly she submits that similar issue has been decided by this Hon'ble Court in the writ petition i.e. WPS No.11764/2025 vide order dated 8th October, 2026 and therefore, the present petition may be disposed of in terms of the said order.

4. The respondents No.1 & 2/State have filed their reply. Learned State counsel, referring to its reply, would submit that some of the candidates, who were found ineligible during first, second and third round of counselling, filed writ petitions before this Court, which are still pending consideration. In some of the writ petitions, this Court has passed interim order directing the respondents to keep one post vacant. Hence on this ground, some seats/posts have been kept vacant. He further submits that after filing of writ petitions by various candidates, some of them, who were found eligible as per rules, have been issued appointment order. He submits that candidature of the petitioner has not been rejected, rather on the aforesaid grounds, his selection/appointment has been kept on hold. However, upon due verification, he submits that he has no objection if the present petition is disposed of in terms of the order dated 8th October, 2026 passed in WPS No.11764/2025.

5. Learned counsel appearing for respondent No.3, who is a formal party in this case, has supported the contention raised by learned State counsel.

6. Heard learned counsel for the parties and perused the material available on record.

7. It is not in dispute that the petitioner successfully participated in the recruitment process pursuant to the advertisement issued by the respondent

authorities for the post of Training Officer (Mechanical Diesel), secured higher rank/meritorious position, he was called for documents verification and thereafter, was found eligible for appointment on the said post. However, despite that he was not issued appointment order till date and the same has been kept on hold only because of there being interim order passed by this Court in some of the writ petitions filed by the non-selected candidates for the said post. This Court in some of these writ petitions passed interim order directing the respondent authorities to keep one post vacant as has been contended by the learned State counsel in its Reply. However, this Reply is completely vague, no list of documents has been annexed along with the Reply to demonstrate as to in which case, such interim order has been passed by this Court. Even if, in some of the cases, any such interim order has been passed, then also on this ground alone, selection/appointment of the petitioner cannot be kept on hold or brushed aside.

8. At this stage, learned counsel for the petitioner contended that as per information obtained by the petitioner, there are about 26 posts of Training Officer (Mechanical Diesel) of various categories, which are still lying vacant. She also informed the Court that some of the writ petitions filed by the petitioners, who belong to SC category, for the post of Training Officer (Mechanical Diesel), have already been disposed of by this Court.

9. It is well settled that a select-list candidate has no absolute right to appointment merely by virtue of being included in the select/merit list, particularly when the selection is subject to availability of vacancies and fulfillment of the prescribed conditions. However, the State is equally bound to act fairly, transparently and in accordance with the notified recruitment

procedure and cannot arbitrarily ignore a candidate higher in merit while considering a candidate lower in merit for the same vacancy.

10. Having considered the aforesaid facts and submissions advanced on behalf of the parties, this Court is of the opinion that no useful purpose would be served in keeping this petition pending, rather the ends of justice would be served if this petition is disposed of directing the respondent authorities to consider the selection/appointment of the petitioner for the post of Training Officer (Mechanical Diesel), after due verification of his eligibility status in accordance with the recruitment rules and the conditions prescribed in the advertisement.

11. Accordingly, the instant writ petition is disposed of with a direction to the respondent authorities to consider the petitioner's case against the available vacancy for the post of Training Officer (Mechanical Diesel) in his respective category. If, upon such consideration, the petitioner is found to be the eligible and meritorious candidates and otherwise fulfills all prescribed conditions, then appropriate appointment order shall be issued in accordance with law. The interim order passed in the pending writ petitions shall not, by itself, operate to the prejudice of the petitioner, if he is found eligible/suitable as per recruitment rules and the conditions prescribed in the advertisement. The aforesaid exercise shall be completed within a period of ninety days from the date of receipt/production of certified copy of this order.

12. With the aforesaid observations and directions, the instant petition stands disposed of. No order as to cost(s).

13. Pending interlocutory application(s), if any, shall also stand disposed of.

MOHD AKHTAR KHAN
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Date: 2026.11.05 12:02:07 +0530

Sd/
(Naresh Kumar Chandravanshi)
Judge

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