
(2014) 08 CHH CK 0023
In the Chhattisgarh High Court
Case No : WP(S) No. 4194 of 2014

Arun Kumar Sugandh

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

Date of Decision : 18-08-2014

Acts Referred:

Citation : (2014) 08 CHH CK 0023

Hon'ble Judges : Prashant Kumar Mishra, J

Bench : Single Bench

Advocate : Rajesh Kumar Sharma, Advocate for the Appellant; Shashank Thakur, Govt. Advocate, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J.

1. The petitioner has preferred this writ petition seeking quashment of the impugned letters dated 31.3.2014 & 9.6.2014 with a further prayer for a direction to the respondents to appoint the petitioner on the post of Assistant Professor (Economics).
2. The State Government initiated the process of recruitment of Assistant Professor (Economics) through Public Service Commission. At the end of selection process, the petitioner could not find place in the merit list but was placed at Sr. No. 1 amongst the waiting list candidates.
3. According to learned counsel for the petitioner, one Rajni Choudhary was initially appointed as Assistant Professor (Economics) but later on, her services were terminated on the ground that the Caste Scrutiny Committee has cancelled her caste certificate. Therefore, one vacancy was created in the category in which the petitioner had applied, but the petitioner's name was not recommended by the Public Service Commission for appointment. He would submit that keeping the post vacant and not exhausting the waiting list is illegal and arbitrary.

4. Learned State counsel would oppose the writ petition on submission that once a person selected from the merit list joins on the post but later on is terminated or resigns, there is no necessity of exhausting the waiting list.

5. The law with regard to working of the waiting list/reserved list has been settled by the Supreme Court in the matter of Manoj Manu and Another Vs. Union of India (UOI) and Others, . In the said case, it has been held that merely because the name of candidate finds place in the select list or waiting list, it would not confer upon him any indefeasible right to get the appointment as well. It has also been held in para-9 thus:-

"9. It can be clearly inferred from the reading of the aforesaid that it is not the case where any of these persons initially joined as Section Officer and thereafter resigned/left/promoted, etc. thereby creating the vacancies again. Had that been the situation viz. after the vacancy had been filled up, and caused again because of some subsequent event, position would have been different. In that eventuality UPSC would be right in not forwarding the names from the list as there is culmination of the process with the exhaustion of the notified vacancies and vacancies arising thereafter have to be filled up by fresh examination. However, in the instant case, out of 184 persons recommended, six persons did not join at all. In these circumstances when the candidates in reserved list on the basis of examination already held, were available and DoPT had approached UPSC "within a reasonable time" to send the names, we do not see any reason or justification on the part of UPSC not to send the names."

(Emphasis supplied)

6. Thus the law in this regard is well settled that where a candidate who was initially appointed joined the post but subsequently resigned/quit or terminated, resulting in creation of vacancies again, the recruiting authority may be justified in not forwarding the names from the waiting list, as there is culmination of the recruitment process with the exhaustion of notified vacancies and the vacancies arising therefrom have to be filled by fresh examination.

7. In the present case also, one candidate joined as Assistant Professor (Economics) but was later on terminated, therefore, there is culmination of the recruitment process and the vacancies arising therefrom have to be filled by fresh examination.

8. For the forgoing, this Court does not find any substance in this writ petition, which deserves to be and is hereby dismissed.