



2026:CGHC:5491

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 10253 of 2025

Satyam Gupta S/o Shri Sanjay Gupta Aged About 25 Years R/o Gram Panchayat Nawadih, Post- Tatapani, District- Balrampur-Ramanujganj, Chhattisgarh

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary, Department Of Agriculture, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, Chhattisgarh

2 - Deputy Director Agriculture-Cum-Project Manager W.C.D.C., District- Balrampur-Ramanujganj, Chhattisgarh

3 - The Collector Balrampur, District- Balrampur-Ramanujganj, Chhattisgarh

4 - Dilip Kumar Ekka S/o Shri Nageshwar Ekka Aged About 24 Years R/o Gram Panchayat Tatapani, Post- Tatapani, District- Balrampur-Ramanujganj, Chhattisgarh

... Respondents

For Petitioner	:	Mr. Shrikant Kaushik, Advocate
For State	:	Mr. Mayur Khandelwal, Panel lawyer

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

31/01/2026

1. Notices were issued to private respondent no.4, petitioner had submitted the dasti service report along with affidavit, however there is no representation on behalf of respondent no. 4, therefore, this writ petition is considered and heard in his absence.

2. Petitioner has filed this writ petition seeking following reliefs:-

"10.1 That this Hon'ble Court may kindly be pleased to quash and set aside the impugned action of the respondent authorities

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the candidature of the petitioner for the post of Secretary (Contractual) Tatapani Micro Watershed Committee (Code 2A6C6A2F).

10.3 That this Hon'ble Court may kindly be pleased to direct the respondents to restore the name of the petitioner in the final merit list and to appoint/engage the petitioner on the post of advertised.

10.4 That this Hon'ble Court may kindly be pleased to issue a writ, order or direction commanding the respondents to produce before this Hon'ble Court the entire records of the recruitment/selection process conducted under the aforesaid advertisement and to justify the deletion of the petitioner's name from the merit list, failing which an adverse inference may kindly be drawn against the respondents.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit and just in the facts and circumstances of the case, including awarding of the costs of the petitioner."

3. Learned counsel for petitioner submits that the office of Deputy Director Agriculture cum Project Manager, WCDC, District Balrampur-Ramanujanj, Chhattisgarh has issued an advertisement dated

06.03.2023 inviting application from the interested persons for their appointment to the post of Secretary (contractual) in various Micro Watershed Committee. Petitioner submitted an application for his appointment on the post of Secretary of Micro Watershed Committee, Tatapani which includes Tatapani, Teterdih, Navadih, Damodarpur, Dhangawan, Bhawanipur, Rajbandha and Lurghutta. There was only one post which is unreserved. Petitioner submitted an application along with other candidates and after receipt of application respondent departments have published list mentioning the name of candidates whose applications were received in the office. Respondent authorities thereafter has published merit list. Name and code with respect to Micro Watershed Committee, Tatapani list of three meritorious candidates was published in which petitioner has been shown to be at serial no. 1 in the merit list with 67.9 total marks in aggregate including the marks of experience. He submits that thereafter respondents have published a notice asking the candidates whose name is mentioned in the list published by the committee to produce documents for its verification. Accordingly, petitioner submitted all the relevant documents including experience certificate issued by the Mirror Academy Computer Education Centre, Ramanujganj with his appointment order and experience certificate.

4. He also submits that Deputy director further issued another letter on 11.12.2024 asking for submitting the documents once again to which petitioner also submitted. After lapse of about three months respondent had issued a notice mentioning that the appointment with respect to Micro Watershed Committee, Tatapani and Committee Jamvantpur is kept under consideration and select list with waiting list has been

published for other committees as mentioned in the advertisement which is about 13 in numbers. He submits that petitioner thereafter submitted representation before Collector informing him that the issuance of the appointment/selection orders with respect to Water Shed Committee i.e. the Tatapani and Jamvantpur has been withheld by the respondent authorities and is pending consideration and thereafter respondent authorities have published the select list with respect to Tatapani mentioning the name of Dilip Kumar Ekka to be selected candidate. Satyam Gupta and Gyanchand Singh had been showed to be in waiting list, who were earlier in merit list at serial no. 1 and 2. He further submits that from the merit list prepared by respondent it is appearing that Dilip Kumar Ekka was not even named in the merit list of three meritorious candidates but surprisingly his name was published in select list which is arbitrary and illegal.

5. Learned counsel for State opposes the submission made by learned counsel for petitioner and would submit that appointment has been made strictly following due process of law. From the marks as awarded and mentioned in the select list Annexure P-1 it is clear that Dilip Kumar Ekka secured 65.11 marks whereas petitioner secured only 62.9 marks in total. In the select list there is no mention of award of marks with regard to the experience to petitioner. He submits that the experience certificate or other documents produced in support of experience was of from private institute whereas experience certificate ought to have been from Government or Semi-Government institute. Accordingly, petitioner was not awarded marks towards experience.

6. I have heard learned counsel for the parties and also perused the pleadings and the documents enclosed in this writ petition.
7. Petitioner in para no. 8.12 of writ petition has categorically pleaded that petitioner's name was published to be at serial no. 1 in the merit list published by the respondent department, however subsequently his name has been removed from serial no. 1 and has been placed at serial no. 2 and thereafter in the waiting list candidate illegally and arbitrarily. Respondents in their reply has not made any pleadings in this regard as to how the petitioner who has been shown to be a meritorious candidate in merit list published by respondent department and placed him at serial no. 1 and as to how Dilip Kumar Ekka has been shown to be at serial no. 1 in the selected list when selection is to be based on the merit list prepared by the respondent department.
8. Perusal of Annexure P-5 which is letter written to petitioner by respondent Deputy Director it is appearing that for one post three candidates have been considered and after considering documents of qualification merit list is to be issued. The merit list prepared by respondent department enclosed along with Annexure P-5 at page no. 39 is not disputed by the respondent to be not the document prepared by the respondent.
9. Perusal of the merit list would show that it bears name of petitioner at first place, second name is of Gyan Chand Singh and third name is of Vinod Kumar. There is no mention of name of Dilip Kumar Ekka in the merit list. Meaning thereby, at the time of preparing the merit list Dilip Kumar Ekka i.e. private respondent no. 4 was not in picture to be three meritorious candidates identified by respondents at the time of scrutiny

of applications form and documents enclosed therein. Annexure P-9 even does not mention as to any error in preparation of merit list by respondent department but only mentions that due to unavoidable circumstances the proceedings of recruitment/appointment with respect to Micro Water Shed Committee, Tatapani and Jamvantpur is kept under consideration.

10. From the aforementioned facts of the case, which is not denied in specific terms by respondent- State it is clear that after completion of the process of submission of application form, upon its scrutiny the petitioner was held to be at serial no. 1 being the candidate, secured highest marks, upon evaluation of the mark sheet and other documents. Even the private respondent Dilip Kumar Ekka is not named at serial no. 2 or 3 and therefore, it is crystal clear that he was neither in picture at the time of preparation of the merit list for one post nor while considering the candidates in the ration of 1:3.
11. In reply respondent State has not pleaded in specific terms as to why Dilip Kumar Ekka was not named in the earlier merit list and as to how his name finds place subsequently in the select list directly. The aforementioned facts prima facie shows that private respondent Dilip Kumar Ekka has been selected by adopting illegal means and therefore, selection of the private respondent would not be sustainable.
12. The only pleading made in the reply for awarding less marks to the petitioner in select list is that the experience of the petitioner was not found to be acceptable as petitioner has not gained experience from any Government or Semi- Govt. institute.

13. Perusal of the advertisement would show that under the minimum education qualification it is mentioned as 12th Pass and candidate should be resident of village/village panchayat which is following within the micro watershed region, and preference to be given to the candidate having experience in computer. There is no specific mention as to experience should be of Govt. or Semi-Govt. Institution. Following are the terms and conditions of the advertisement dated 06.03.2023:-

“1. नियम एवं शर्ते-

1. संविदा नियुक्ति छ.ग. शासन संविदा नियम 2012 में निहित शर्तों के अनुसार की जावेगी।
2. संविदा पर नियुक्त व्यक्ति छ.ग. सिविल सेवा (आचरण) नियम 1985 से शासित होंगे।
3. आयु सीमा- आवेदक की आयु दिनांक 01.01.2022 की स्थिति में न्यूनतम 18 वर्ष एवं अधिकतम 35 वर्ष होगी। आयु सीमा में सामान्य प्रशासन विभाग द्वारा समय-समय पर जारी छुट संबंधी आदेश / निर्देश नियुक्ति के लिये भी लागू होंगे।
4. नियुक्ति की अवधि- संविदा नियुक्ति सामान्यतः एक वर्ष के लिये होगी। WCDC आवश्यकता के आधार पर एवं संविदा नियुक्त व्यक्ति की उपयुक्तता का गोपनीय प्रतिवेदन द्वारा आंकलन कर सेवा वृद्धि का निर्णय ले सकेगा। संविदा नियुक्ति की अवधि परियोजना समाप्ति पर संविदा नियुक्ति स्वयंमेव समाप्त मानी जावेगी।
5. अवकाश की पात्रता- संविदा पर नियुक्त कर्मचारी को प्रत्येक कैलेण्डर वर्ष में 18 दिनों का आकस्मिक अवकाश तथा 03 दिनों का ऐच्छिक अवकाश की पात्रता की गणना पूर्ण महीनों के लिये अनुपातिक आधार पर किया जावेगा। गणना में अपूर्ण दिवस को आगामी पूर्ण दिवस से पूर्णांकित किया जावेगा। विश्रामावकाश विभागों में कैलेण्डर वर्ष के तात्पर्य 12 माह की वास्तविक सेवा से लगाया जाएगा।
6. प्रसूति अवकाश- शासन द्वारा संविदा नियुक्त अधिकारी/कर्मचारी के लिये निर्धारित प्रसूति अवकाश की पात्रता होगी।
7. संविदा पर नियुक्त व्यक्ति को अपने परिवार की सामाजिक सुरक्षा के लिए संविदा वेतन की कम से कम 10 प्रतिशत राशि जीवन बीमा पेंशन योजना अथवा पी.पी.एफ. में जमा करनी होगी तथा इस बात की सूचना नियुक्ति प्राधिकारी को देनी होगी की कर्मचारी द्वारा किस योजना का वरण किया गया है परन्तु यह प्रावधान सेवानिवृत्त शासकीय सेवकों पर लागू नहीं होगी।

8. वेतन- उपरोक्त संविदा सेवा में एकमुश्त मासिक मानदेय राशि 5000.00 रू. देय होगा। इसके अतिरिक्त कोई विशेष वेतन, महगाई भत्ता, गृह भाड़ा भत्ता इत्यादि नहीं दिया जावेगा तथा संविदा नियुक्ति के अधिन वार्षिक वेतन वृद्धि की पात्रता नहीं होगी।
9. संविदा पर नियुक्त व्यक्ति को सेवा समाप्ति पश्चात्, संविदा नियुक्ति की हैसियत से जितनी अवधि तक सेवा दी गयी है उस अवधि के लिये किसी भी प्रकार का पेंशन, उपादान, मृत्यु लाभ एवं वित्तीय सहायता की पात्रता नहीं होगी।
10. आवेदन पत्र के साथ प्राधिकृत अधिकारी द्वारा जारी किये गये छ.ग. मूल निवासी प्रमाण पत्र की छायाप्रति संलग्न करना आवश्यक है।
11. वांछित प्रमाण पत्र एवं अंक सूची स्व प्रमाणित छायाप्रति आवेदन दिनांक 21.03.2023 को साथ 05:00 बजे तक पंजीकृत डाक / स्पीड पोस्ट के माध्यम से कार्यालय, उप संचालक कृषि, कृषि विभाग बलरामपुर (छ.ग.) पिन कोड- 497119 में अनिवार्य रूप से प्राप्त हो जाना चाहिए। निर्धारित तिथि के पश्चात् प्राप्त आवेदन पत्र स्वीकार नहीं किया जावेगा।
12. व्यक्तिगत रूप से सीधे आवेदन पत्र स्वीकार नहीं किये जायेंगे।
13. शासकीय/अर्द्धशासकीय संस्थाओं में कार्यरत कमचारी को आवेदन पत्र नियोक्ता के माध्यम से अनापत्ति प्रमाण पत्र सहित प्रस्तुत करना अनिवार्य है।
14. अनुभव प्रमाण पत्र के साथ नियोक्ता का नियुक्ति आदेश पत्र की स्वप्रमाणित छायाप्रति प्रस्तुत करना अनिवार्य है अन्यथा अनुभव हेतु निर्धारित अंक प्रदाय किया जाना संभव नहीं होगा।
15. रोजगार कार्यालय का जीवित पंजीयन क्रमांक एवं दिनांक उल्लेख करना तथा स्वप्रमाणित छायाप्रति आवेदन के साथ संलग्न करना अनिवार्य है।
16. अपूर्ण, अस्पष्ट एवं त्रुटि पूर्ण आवेदन पत्रों के संबंध में कोई सूचना नहीं दी जावेगी। ऐसे आवेदन पत्र अमान्य कर दिये जावेंगे।
17. नियुक्ति हेतु सिफारिश कराने वाले किसी भी प्रकार का दबाव डलवाने वाले आवेदक का आवेदन निरस्त कर दिया जावेगा।
18. उपरोक्त वांछित योग्यता न रखने वाले उम्मीदवार आवेदन न करें ऐसे आवेदन पर विचार नहीं किया जावेगा।
19. लिफाफे के ऊपर आवेदित पद एवं परियोजना / विकास खण्ड का नाम अवश्य लिखें।
20. यदि कोई व्यक्ति एक से अधिक माईक्रोवाटर शेड समिति हेतु आवेदन करना चाहता है तो प्रत्येक माईक्रोवाटर शेड समिति के लिये पृथक-पृथक आवेदन पत्र जमा करना होगा।
21. आवेदन पत्र के साथ स्वयं का पता लिखा दो लिफाफा 25-25 रूपये के डाक टिकट सहित पत्र व्यवहार के लिये संलग्न किया जाना आवश्यक है।

22. किसी भी तरह की विवाद की स्थिति में कलेक्टर सह अध्यक्ष WCDC जिला बलरामपुर-रामानुजगंज का निर्णय अंतिम रूप से मान्य होगा।"

14. It is well settled law that the recruiting agency is to consider the candidature of candidate strictly in accordance with the terms and conditions provided under the advertisement and the rules if any framed for appointment on a particular post. It is not the case of respondent that under statute requisite qualification is mentioned for appointment of secretary (contract) for Watershed Committee, Tatapani which is not fulfilled by petitioner, but only objection raised in reply is that the experience certificate is of private institute. As there is no requirement under the advertisement that the experience certificate should be of Govt/semi-govt institute only, the objection raised by the respondent for not considering the experience certificate submitted by petitioner is not sustainable. Accordingly said objection is repelled.
15. Hon'ble Supreme Court in the matter of **Tej Prakash Pathak and Ors. Vs. Rajasthan High Court and Ors.** Reported in **2024 INSC 847** in para no. 42 has held as under:

We, therefore, answer the reference in the following terms:

(1) Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

(2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;

(3) The decision in K. Manjusree (supra) lays down good law and is not in conflict with the decision in Subash Chander Marwaha (supra). Subash Chander Marwaha (supra) deals

with the right to be appointed from the Select List whereas K. Manjusree (supra) deals with the right to be placed in the Select List. The two cases therefore deal with altogether different issues;

(4) Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/ non- arbitrary and has a rational nexus to the object sought to be achieved.

(5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent, or silent, administrative instructions may fill in the gaps;

(6) Placement in the select list gives no inderfeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list.

16. Also the Hon'ble Court in case of **Bedanga Talukdar Vs. Saifudaullah Khan and Ors reported in (2011) 12 SCC 85** in para no. 29 has held as under:-

'29. We have considered the entire matter in detail. In our opinion, it is too well settled to need any further reiteration that all appointments to public office have to be made in conformity with Article 14 of the Constitution of India. In other words, there must be no arbitrariness resulting from any undue favour being shown to any candidate. Therefore, the selection process has to be conducted strictly in accordance with the stipulated selection procedure. Consequently, when a particular schedule is mentioned in an advertisement the same has to be scrupulously maintained. There cannot be any relaxation in the terms and conditions of the advertisement unless such a power is specifically reserved. Such a power could be reserved in the relevant statutory rules. Even if power of relaxation is provided in the rules, it must still be mentioned in the advertisement. In the absence of such power in the rules, it could still be provided in the advertisement. However, the power of relaxation, if exercised, has to be given due publicity. This would be necessary to ensure that those candidates who become eligible due to the relaxation, are

afforded an equal opportunity to apply and compete. Relaxation of any condition in advertisement without due publication would be contrary to the mandate of equality contained in Articles 14 and 16 of the Constitution of India.'

17. From the aforementioned discussions, in the opinion of this Court five marks earlier awarded by respondent department while scrutinizing the application forms, to the petitioner against experience, is to be added for computing the merit of the petitioner with other eligible candidates. Accordingly the number which is awarded to petitioner based on scrutiny of his marks forming part of Annexure P-5 would be 67.9 in total. The selection of private respondent Dilip Kumar Ekka being earlier not forming part of the merit list and no explanation has been offered by State as to how his name is directly named in selection list, and after adding marks of experience to petitioner his selection, is not sustainable. Accordingly selection of respondent no. 4 is set aside.
18. Respondent authorities are directed to consider the candidature of petitioner pursuant to merit list prepared and forming part of Annexure P-5 dated 14.08.2024 and to publish the select list accordingly, and to issue appointment order thereafter.
19. Writ petition is accordingly **allowed**. No order as to costs.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)

Judge

Alfiza