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**(2018) 08 CHH CK 0302**

**Chhattisgarh High Court**

**Case No:** Writ Appeal No. 487 Of 2018

Yogesh Kumar

APPELLANT

Vs

State Of Chhattisgarh And Ors

RESPONDENT

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**Date of Decision:** Aug. 27, 2018

**Hon'ble Judges:** Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

**Bench:** Division Bench

**Advocate:** Barun Kumar Chakrabarty, Yashwant Singh Thakur

**Final Decision:** Dismissed

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### **Judgement**

Ajay Kumar Tripathi, CJ

1. Writ appeal is against the order dated 19.02.2018 passed by the learned Single Judge. He disposed off the writ application refusing to pass any order or direction upon the Respondents to appoint the Appellant on the post of Constable (General Duty) in the OBC category in the District of Kanker (Chhattisgarh).
2. Even according to the Appellant, he was a wait listed candidate in the OBC category and since the 11 posts already had been filled up on the merit position from within the list, therefore, the occasion to invite or consider a candidate from the waiting list never arose.
3. It has also been noticed by the learned Single Judge that the recruitment process is long over and that nothing illegal had been pointed out in the decision so taken, therefore no relief could be granted.
4. Submission of the counsel for the Appellant is that there was interpolation in the marks awarded to him which was finally shown in the final result

and this was done to mar the chances of the Appellant. The list had been manipulated and persons came up to be appointed showing them the benefit of reservation in the separate categories.

5. These are submission not backed by any evidence. These allegations are more made than made out. In fact a rather detailed affidavit has been filed on behalf of the State with supporting evidence at every stage of decision making which does not reflect any wrong doing in either preparation or appointment on the post of Constable (General Duty).

6. The question of consideration for appointment on the post of Constable (General Duty) would have arisen for the Appellant provided there was any vacancy from the merit list. Since all the candidates had joined, there was no occasion by the Respondents to operate the wait list.

7. The appeal has no merit. It is dismissed.