

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 483 of 2019**

Sonam Jain W/o Sulabh Kumar Jain Aged About 30 Years Guest Faculty (Zoology) Government Rajiv Gandhi College Simga District Baloda Bazar, Chhattisgarh, R/o Azad Chowk Ward No. 15, Imam Wada Ward Village Post Simga, District Balodabazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary Higher Education Department, Mantralaya, Indiravati Bhawan, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Higher Education Block C-3, 2nd And 3rd Floor, Indiravati Bhawan, New Raipur, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Principal Government Rajiv Gandhi College Simga District Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
4. Smt. Jyoti Indoriya D/o Shri Durgesh Kumar Guest Faculty (Zoology) Government Rajiv Gandhi College Simga District Balodabazar, Bhatapara, Chhattisgarh. R/o Village Post Simga District Balodabazar, Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondents**WPS No. 601 of 2019**

Chandrashekhar Choudhary S/o Mr. Dorilal Choudhary Aged About 31 Years Occupation Guest Faculty (Maths) Late Raja Birendra Bhadur Govt. College Saraipali, R/o Ward No. 10 Bazar Para Saraipali District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Principal Secretary, Higher Education Department, Mantralaya, Indiravati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Commissioner Higher Education, Block C-3, 2nd And 3rd Floor, Indiravati Bhawan, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. Principal Late Raja Birendra Bhadur Govt. College Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh
4. Vikash Chandra Vishal Guest Faculty (Maths) Late Raja Birendra Bhadur Govt. College Saraipali, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Brindavan Tiwari, Advocate
For State	:	Mr. Salim Kazi, Dy. AG

Hon'ble Shri Justice P. Sam Koshy
Order on Board

31/01/2019

1. In these two writ petitions facts being identical and relief sought for also being similar, the two writ petitions are being disposed off by this common order.
2. The relief sought for by the petitioner is that the petitioners were engaged as a Guest Faculty in the previous academic session of the 2017/2018 and they were also serving the department in the previous years also. However, services have been discontinued and fresh advertisement has been issued. The relief sought for by the petitioner is that the respondent should be restrained from replacing one set of Guest Faculty by another set of Guest Faculties. The stand of the petitioner is that it is not the case of the respondents that the petitioners in any manner are not competent or does not have requisite eligibility criteria but it is only the culmination of the contractual period that is coming in the way of the petitioner and they should be continued for further academic years also till the respondent fill up the post by way of regular recruitment process.
3. During the course of the argument it has been brought to the notice of the of the Court that the petitioners in fact had participated in the selection process and they were not found meritorious or the petitioners were placed lower in the merit list as compared to the

private respondent. The fact that the petitioners have themselves participated in the subsequent recruitment process and after being unsuccessful, this Court is of the opinion, they now cannot be permitted to agitate and challenge the advertisement which in due course of time has been acted upon and the private respondent has been appointed. The claim of the petitioner could have been strong if the petitioner would have approached the Court at the time of the issuance of the advertisement itself.

4. Supreme Court time and again have reiterated principle that once when a candidate participates in the recruitment process and is unsuccessful, he cannot later on turn around and challenge the recruitment process on the basis of his past experience that he has. This view has been taken by this Court also in a Bunch of writ petitions of similar nature.
5. In view of the same, this Court is of the opinion that no strong case has been made out by the petitioner for grant of relief which has been sought for. So far as the judgment which has been relied upon by the petitioner is concerned that again is decided on entirely different factual context and situations in this case also were different within the factual position as it stands in the present case, therefore, the same is distinguished on facts itself.
6. The writ petitions accordingly stands dismissed.

Sd/-
(P. Sam Koshy)
Judge