

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 2418 of 2013**

1. Jitendra Kaushley S/o Shri Hemlal Kaushley, Aged about 30 years, Miti Koni Qtr. No. T-16, Thana Koni, Bilaspur, Chhattisgarh.
2. Guatam Konar S/o Late A.K. Konar, Aged about 50 years, R/o Qtr. No. 401, Maitri Nagar, Bhilai, Thana Utai, Distt. Durg, Chhattisgarh.
3. Harish Kumar S/o Shri Ghasiram Sahu, Aged about 33 years, Khamariyabhata, Near Saraswati Shishu Mandir School, Post Jevara Sirsa, Thana Pulgaon, Distt. Durg, Chhattisgarh.
4. Bhushan Sahu S/o Shri O.P. Sahu, Aged about 29 years, Qtr. No. F-500, HTPS Colony, Thana Darri, Korba West, Korba, Chhattisgarh.

---Petitioners

Versus

1. C.G. State Power Holding Com. Ltd. (A Govt. of C.G. Undertaking) Through Chairman, Danganiya, Raipur, Chhattisgarh.
2. Add. General Manager (HR) Danganiya, Raipur, Chhattisgarh.

--- Respondents

For Petitioners :- Mr. S.P. Kale, Advocate

For Respondents :- Mr. Sushobhit Singh, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board (Through Video Conferencing)

30/06/2021

1. By way of this writ petition, the petitioners have called in question the cancellation of recruitment process conducted for the post of Accounts Officer/Assistant Manager by the respondent company vide impugned order dated 29/05/2013 (Annexure P-1).
2. It is stated at the Bar that during the course of pendency of this writ petition, the recruitment process has again been initiated afresh for filling up the same posts in which petitioners have remained successful and they have been selected for the said post.
3. Mr. K.R. Nair, learned counsel for the respondents, would submit that in view of the decision rendered by the Supreme Court in the matter of **Suneeta Aggarwal v. State of Haryana And Others**¹, the petitioners cannot further challenge the impugned order as they have already participated in the subsequent recruitment process, as such, the writ petition deserves to be dismissed having become infructuous.

¹ (2000) 2 SCC 615

4. I have heard learned counsel for the parties at length and went through the records.

5. The Supreme Court in the matter of **Suneeta Aggarwal** (supra) has held in paragraph 4 as under :-

"4. We have heard learned counsel for the parties. Narration of aforesaid facts would show that the appellant had disintitiled herself to seek relief in the writ petition filed by her before the High Court. The appellant did not challenge the order of the Vice Chancellor declining to accord approval to her selection and, on the contrary, she applied afresh to the said post in response to re-advertisement of the post without any kind of protest. Not only did she apply for the post, but also she appeared before the Selection Committee constituted consequent upon re-advertisement of the post and that too without any kind of protest, and on the same day she filed a writ petition against the order of the Vice Chancellor declining to accord his approval and obtained an ad-interim order. In the writ petition she also did not disclose that she has applied for the post consequent upon second advertisement. The appellant having appeared before the Selection Committee without any protest and having taken a chance, we are of the view that the appellant is estopped by her conduct from challenging the earlier order of the Vice Chancellor. The High Court was justified in refusing to accord any discretionary relief in favour of the appellant. The writ petition was rightly dismissed."

6. Following the principle of law laid by the Supreme Court in **Suneeta Aggarwal** (supra) and considering the fact that petitioners have already taken a calculated chance and participated in the second recruitment process wherein they remained successful and they have now been selected for the said post, they are estopped from challenging the impugned order and even otherwise, cancellation of

first recruitment process has been done by the respondent authorities for valid reasons. As such, I do not find any good ground for quashing the impugned order (Annexure P-1) as much water has been flown and the second recruitment process has already been concluded in which petitioners have remained successful and have been selected for the said post.

7. In that view of the matter, the instant writ petition stands disposed of. No cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet