

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 514 of 2021

1. Dr. Himanshu Dubey S/o Kiran Kumar Dubey Aged About 28 Years R/o Village Tayang, Post Jaimura, Tahsil Kharsiya, District Raigarh, Chhattisgarh.

---Petitioner(s)

Versus

1. State of Chhattisgarh Through Secretary, Health and Family Welfare Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.
2. Director Health Services, Directorate, Indrawati Bhawan, Atal Nagar, Nava Raipur, District Raipur, Chhattisgarh.

---Respondents

For Petitioner	:	Shri C Jayant K Rao, Advocate.
For Respondent State	:	Shri Vivek Ranjan Tiwari, Addl. Advocate General along with Ms. Akanksha Jain, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29.04.2021

1. The matter was taken up today on IA No.2, which is an application for vacating stay granted by this court on 08.02.2021.
2. The matter pertains to the recruitment of regular Medical Officers under the State Government. The advertisement by which the recruitment process was initiated is one which was published on 14.10.2020. The last date for filling up of the application was 31.10.2020.
3. The present writ petition has been filed on 11.01.2021 i.e. much after the last date for filling up of the form was over. Today, when the matter was taken up, the Additional Advocate General submits that a perusal of records it has been revealed that the petitioner not even applied for the said post inspite of being all qualified for the said post and unless the person has applied, he could not have had a grievance for challenging the advertisement particularly when the writ petition has been filed much beyond the last date of filling up of the application.

4. The contention of the learned counsel for the petitioner to this objection is that the petitioner has not applied for the said post on account of the fact that the respondents could have raised an objection that this the petitioner has applied, he cannot now turn around and challenge the recruitment process for which he has applied and in any case the advertisement is contrary to the recruitment rules itself.
5. From the aforesaid factual backdrop what stands admitted is the fact that the advertisement was published for filling up of the post of regular Medical Officers under the State Government on 14.10.2020. The last date for filing up of the applications by the eligible candidates was 31.10.2020. Admittedly the petitioner has not applied for the said post within the stipulated period i.e. by 31.10.2020, neither did the petitioner challenge the advertisement promptly either by raising representation within the stipulated period or challenging it before the court of law before the expiry of the last date for filling up of the application form.
6. In the absence of both firstly not applying inspite of being all qualified and secondly having not protested, objected or challenged the advertisement promptly, the petitioner cannot be permitted to now challenge the recruitment process which at the first instance he had either deliberately not applied for the said post or he did not have a genuine grievance when the advertisement was issued or atleast before the last date for filling up of the application. Even the so called representation which the petitioner has made is also one which has been made in the year 2021.
7. Under the circumstances, this court is of the opinion that the petitioner does not have any right to challenge the advertisement on account of the aforesaid two lacunas on his part and the writ petition itself would not be sustainable and the same accordingly stands rejected.

8. The interim order granted by this court on 08.02.2021 also thus stands recalled so far as the present writ petition is concerned.
9. The writ petition accordingly stands disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder