



2024:CGHC:33220  
NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPS No. 5025 of 2015**

Manisha Mandavi D/o Sarju Singh Mandavi, Aged About 26 Years R/o Vishwa Bank Colony, Gaiyatri Nagar, Bhilai 3, Tahsil Patan, District Durg, Chhattisgarh., Chhattisgarh

**... Petitioner**

**versus**

1. State Of Chhattisgarh Through Its Secretary, Food And Drugs Administration Department, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh., Chhattisgarh
2. The Director Department Selection Committee, Food And Drugs Administration, Block 1, Fourth Floor, Indrawati Bhawan, New Raipur, Chhattisgarh.
3. The Controller Department Selection Committee, Food And Drugs Administration, Block 1, Fourth Floor, Indrawati Bhawan, New Raipur, Chhattisgarh. The Collector Korba, District Korba, Chhattisgarh.
4. Mary Shruti Lakra, D/o Sefereous Lakra, R/o Block 4/ A, Vinayak Parisar, Bajaj Colony, Ward No. 38, Hemunagar, District Bilaspur, Chhattisgarh.

**... Respondents**

For Petitioner	:	Mr. Ravi Bhagat, Advocate along with Mr. Purnachand, Advocate
For State	:	Ms. Nilima Singh Thakur, P. L.
For Respondent No. 4	:	Mr. Jitendra Pali, Advocate

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Judgment On Board**

**30/08/2024**

1. By way of this petition, the petitioner has challenged the appointment order dated 18.02.2014 issued in favour of respondent No. 4 and has sought a direction to the respondents for her appointment to the post of Drug Inspector.
2. Facts of the present case are that the petitioner passed B. Pharma in

the year 2013 from Shri Rawatpura Sarkar Institute of Pharmacy, Kumhari and thereafter she participated in the recruitment process for the post of Drug Inspector pursuant to the advertisement issued on 10.10.2013. The last date for submission of the application form was 25.10.2013. The petitioner belongs to the ST category. There were only 2 posts reserved under the ST category, out of which 1 post was reserved for the ST (Female). Admit cards were issued to petitioner and other eligible candidates and they participated in the online examination. Thereafter, the result was declared on 18.02.2014. The petitioner secured 60 marks in the written examination whereas respondent No. 4 secured 62 marks. The final select list was published on 18.02.2014 wherein respondent No. 4 was meritorious therefore, she was selected and duly appointed against the post reserved for the ST (Female). The petitioner remained at S. No. 4 on the Wait List. The petitioner applied under RTI seeking mark sheets of the petitioner as well as respondent No. 4 and that information was supplied to the petitioner on 30.04.2014. The petitioner being dissatisfied with the information sought from the Public Information Officer made a complaint on 08.09.2014. The petitioner has filed this petition assailing the order of appointment dated 18.02.2014.

3. Learned counsel for the petitioner submits that the OMR sheet was not properly checked by the examiner and there was a miscalculation of marks. He argues that there is a difference in the answer sheets of the petitioner and respondent No. 4 supplied by the Public Information Officer. He contends that the petitioner has secured more marks than respondent No. 4 therefore, the appointment of respondent No. 4 is liable to be quashed.

4. On the other hand, Mr. Jitendra Pali, the learned counsel appearing on behalf of respondent No. 4 opposes. He submits that as per the information supplied to the petitioner under RTI, respondent No. 4 had secured 62 marks whereas the petitioner secured only 60 marks. He argues that a complete chart was prepared by the agency that conducted the examination and the same has been placed along with the return. According to the chart, the petitioner had secured lesser marks than respondent No. 4, therefore respondent No. 4 was selected and duly appointed. He contends that OMR sheets were examined by computer according to model answer key which was prepared by experts and thus, there is no possibility of any manipulation or alteration. It is also submitted that respondent No. 4 was appointed in the year 2014 itself whereas this petition was filed after a lapse of one year. He states that this petition deserves to be dismissed.
5. Ms. Nilima Singh Thakur, the learned counsel appearing for the State submits that the examination was conducted by MeritTrac Services Pvt. Ltd. and this agency has not been arrayed as respondent. She argues that the petitioner participated in the entire recruitment process and on remaining unsuccessful, she filed this petition challenging the appointment of respondent No. 4. She also prays that this petition deserves to be dismissed.
6. I have heard learned counsel appearing for the parties and perused the documents placed on the record.
7. Evidently, the petitioner, respondent No. 4 and other eligible candidates participated in the recruitment process for the post of Drug Inspector pursuant to the advertisement dated 10.10.2013. A written examination with MCQs was held by an independent agency, namely MeritTrac

Services Pvt. Ltd. in which the petitioner and other eligible candidates participated in the online examination on 24.01.2024 in which they had to put their answers on OMR sheets. The OMR sheets submitted by the candidates were checked by computer as per the model answer key. The examination conducting agency prepared a chart showing marks secured by all candidates. From a perusal of that chart, it is apparent that the petitioner secured 60 marks out of 100 whereas respondent No. 4 secured 62 marks out of 100 marks. The final select list was published on 18.02.2014. There was only one post reserved for the ST (Female) and respondent No. 4 being meritorious, was selected and duly appointed against that post. The name of the petitioner appears at S. No. 4 on the Wait List. The petitioner has filed this petition on the ground that she applied for OMR sheets and mark sheets twice and on both occasions, different marks were provided to her.

8. A perusal of the chart and even the information provided by the Public Information Officer would reveal that the petitioner secured 60 marks whereas respondent No. 4 secured 62 marks. There was a difference in the information provided by the Public Information officer but the same cannot be made a foundation to quash the appointment order issued in favour of respondent No. 4 in the absence of any irregularity, manipulation or alteration. The petitioner and other candidates put their answers on OMR sheets and the same were checked by the computer in accordance with the model answer key issued by MeritTrac Services Pvt. Ltd. Therefore, there was minimal possibility of any modification, alternation or manipulation.
9. Moreover, the petitioner was placed at S. No. 4 on the Wait List,

therefore no right accrued in her favour to claim an appointment from the Wait List as three candidates who were placed at S.Nos. 1, 2 and 3 would be considered before her if such condition had arisen and those candidates have not approached this Court.

**10.** Taking into consideration the above-stated facts, in the considered opinion of this Court, no case is made out for interference. Consequently, this petition fails and is hereby **dismissed**. No costs.

**Sd/-**

**Rakesh Mohan Pandey**  
JUDGE

*Ajinkya*