



## HIGH COURT OF CHHATTISGARH AT BILASPUR

**WPS No. 6794 of 2014**

Bihari Lal Rajwade **versus** State Of Chhattisgarh and Ors.

**WPS/1591/2015**

**Order Sheet**

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| <b>09/07/2025</b> | <p>Shri Ashok Kumar Shukla and Shri A.K.Yadav, counsel for the respective petitioners.</p> <p>Ms. Neeta Tulsani, Panel Lawyer for the State/ respondents 1 to 4.</p> <p>Shri Anuj Kumar Pandey, counsel on behalf of Shri Bhupendra Singh, counsel for respondent - Ashok Kumar Gupta.</p> <p>Learned counsel for the petitioner submits that an advertisement dated 16/05/2012 was published by the respondent / State inviting application for appointment on the post of Lab Technician. As per advertisement, total 108 vacancies were advertised out of which, 7 vacancies were reserved for OBC candidates. The qualification for consideration of such appointment was Higher Secondary with Biology, Chemistry and Physics subject. The petitioners are qualified and their names are</p> |

found in the waiting list. Under unreserved category, 13 posts were for unreserved male. Petitioner – Ziyaul Hak was placed at serial No.16 in the waiting list and petitioner– Bihari Lal Rajwade was placed at serial No.6 in the waiting list. They submit that as the private respondents had not passed the Higher Secondary Exam with Physics, Chemistry and Biology rather passed with Physics, Chemistry and Maths, therefore, they were not qualified and even then the appointment order was passed in their favour.

Shri A.K.Yadav, learned counsel for the petitioner – Ziyaul Hak submits that there are mass irregularities committed by the respondent/State in the recruitment process and ineligible candidates have been appointed who were not holding requisite qualification as per the advertisement. Therefore, a complaint was made by the petitioner, as a result of which, appointment order of 6 candidates under unreserved category was canceled and they have been removed from service. He further submits that if the appointment of private respondent–Santosh Kumar, who was selected under unreserved category is set aside by this Court, petitioner's candidature could be considered for appointment. Likewise, Shri Shukla counsel for the petitioner–Bihari Lal Rajwade submits that if the appointment of private respondent – Ashok Kumar Gupta is canceled, the petitioner Bihari Lal Rajwade would get a chance to be appointed in his place. During the course of argument, it is also submitted by counsel for the petitioners that 6 posts are still lying vacant, therefore, even if appointment of private respondent is not canceled, the petitioners' case can be considered by the respondent / State.

State is directed to apprise this Court with regard to post of Lab Technician lying vacant in lieu of advertisement dated

16/05/2012 under unreserved/OBC category. State is also directed to apprise this Court the position of the petitioners in the waiting list in their respective category and also appointments made in lieu of the recruitment process carried out as per the advertisement dated 16/05/2012.

List these cases on **01/08/2025**.

Sd/-

(Sachin Singh Rajput)

**JUDGE**