



2026:CGHC:15278-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 263 of 2026**

Aishwary Netam S/o Shivjee Netam Aged About 28 Years R/o Village
And Post Kukrel, Tehsil- Nagri, District- Dhamtari, C.G.

... Appellant(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of
Transport, Mahanadi Bhawan, Atal Nagar, Naya Raipur, C.G.

2 - Secretary General Administrative Department, Mahanadi Bhawan,
Atal Nagar, Naya Raipur, C.G.

3 - Transport Commissioner Department Of Transport, Indrawati
Bhawan, Atal Nagar, Naya Raipur, C.G.

4 - Deputy Secretary Department Of Transport, Mahanadi Bhawan, Atal
Nagar, Naya Raipur, C.G.

5 - Chhattisgarh Public Service Commission Through Its Secretary,
North Block, Sector-19, Atal Nagar, Naya Raipur, C.G.

... Respondent(s)

For Appellant(s) : Mr. Shobhit Koshta, Advocate

For Respondents No.1 to : Mr. Praveen Das, Add. A.G.

4/State

For Respondent No.5/PSC : Dr. Sudeep Agrawal, Advocate

For Intervenor : Mr. Syed Majid Ali, Advocate.



Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

02.04.2026

1. Heard Mr. Shobit Koshta, learned counsel for the appellant. Also heard Mr. Praveen Das, learned Additional Advocate General, appearing for respondents No.1 to 4/State as well as Dr. Sudeep Agrawal, learned counsel for respondent No.5/PSC and Mr. Syed Majid Ali, learned counsel for the Intervenor.
2. This writ appeal is presented assailing the order dated 28.01.2026 passed by the learned Single Judge in WP(S) No. 3602 of 2024 ***(Dev Ashish Pradhan vs. State of Chhattisgarh and others)*** whereby, the writ petition filed by the appellant herein was dismissed by the learned Single Judge.
3. Brief facts necessary for disposal of the case are that the appellant, pursuant to advertisement dated 13.04.2022 issued by the Chhattisgarh Public Service Commission, Raipur, applied for and was selected as Transport Sub Inspectors (Technical) and was appointed vide order dated 08.09.2022, however, his appointment was challenged by an intervener, Ashish Minj, in Writ Petition (S) No. 5206 of 2023, wherein upon scrutiny of recruitment records, it was found that the appellant did not meet the prescribed minimum height requirement of 165 cm for male candidates. Thereafter, the appellant sought relaxation in height



under Circular dated 31.07.2001 issued by the General Administration Department, but his request was rejected by the Department vide proceedings dated 25.09.2023 on the ground that such relaxation cannot be granted post-appointment and is applicable only where posts remain unfilled due to lack of eligible candidates. Aggrieved by the rejection and the impugned order dated 19.06.2024, the appellant has filed the present writ petition seeking quashment of the said order, reinstatement in service with consequential benefits, and consideration of their case in light of the aforesaid circular, the same was dismissed vide order dated 28.01.2026 in WPS No.3602 of 2024, giving rise to the present writ appeal.

4. Learned counsel for the appellant submits the learned Single Judge failed to appreciate that the advertisement dated 13.04.2022 provided for a common examination for the posts of Assistant Regional Transport Officer and Transport Sub Inspector (Technical), but contained ambiguity regarding height relaxation. While relaxation for Scheduled Tribe (ST) candidates was expressly provided for one post, no such clarity existed for the other, thereby creating confusion. In such circumstances, the appellant cannot be faulted for any alleged ineligibility arising out of vague advertisement conditions. He further submits that the appellant, belonging to the Scheduled Tribe category, was entitled to relaxation in height in terms of the State Government Circular dated 31.07.2001, which permits such relaxation with approval of



the Chief Minister, and similar benefits have been extended to other similarly situated candidates. The rejection of the appellant's claim on the ground that no enabling provision exists or that the circular cannot be applied post-selection is arbitrary, contrary to law, and ignores the powers of the State under Rule 22 of the Chhattisgarh Transport Department Service Rules, 2008, which allows interpretation and relaxation by the Government. He also submits that the appellant neither concealed any material fact nor committed any fraud, and the alleged ineligibility is solely attributable to the respondents' failure to properly apply the applicable rules and seek necessary approvals. The termination of the appellant without affording an opportunity of hearing, despite completion of training and satisfactory service, violates principles of natural justice and fairness. The impugned action, having serious civil consequences, is thus illegal, arbitrary, and liable to be set-aside.

5. On the other hand, learned counsel for respondents No.1 to 4/State opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly passed the order, in which no interference is called for.
6. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
7. From perusal of the impugned order, it transpires that the learned



Single Judge has rejected the writ petition holding that the appellant admittedly did not fulfill the mandatory minimum height requirement of 165 cm as prescribed under the Chhattisgarh Transport Department Service Rules, 2008 as well as the advertisement, and in absence of any provision for relaxation either in the Rules or in the advertisement, no such benefit could be extended to them as a matter of right. The learned Single Judge further held that the circular dated 31.07.2001 only confers discretionary power upon the competent authority, which was duly considered and declined for valid reasons, and that relaxation cannot be granted after completion of the selection process, particularly when eligible candidates were available. Relying upon settled principles of law laid down by the Hon'ble Supreme Court that eligibility criteria must be strictly adhered to and cannot be relaxed in absence of enabling provisions, the learned Single Judge found no illegality in the action of the respondent authorities and accordingly dismissed the writ petition as being devoid of merit.

8. Considering the submissions advanced by the learned counsel for the parties, perusing the documents appended with writ petition as also with writ appeal and also considering the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioner / appellant herein, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order



2026:CGHC:15278-DB

warranting interference by this Court.

9. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Bablu