



2026:CGHC:24519



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2906 of 2018

Order Reserved on – 17.03.2026

Order Delivered on 17.06.2026

Order (Full) Uploaded on 17.06.2026

- Smt. Punita Kawachi W/o Shri Devnath Kawachi, Aged About 32 Years R/o Village Karlakha, Post Bijli, Tahsil And District Narayanpur, Chhattisgarh.

--- Petitioner

versus

1. The State Of Chhattisgarh Through The Secretary, Panchayat And Social Welfare Department, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Narayanpur, District Narayanpur, Chhattisgarh.
3. Zila Panchayat, Narayanpur, Through The Chief Executive Officer, Narayanpur, District Narayanpur, Chhattisgarh.
4. Collector, Narayanpur, District Narayanpur, Chhattisgarh.
5. Smt. Maanbati Uike, W/o Ishwar Singh Uike, R/o Village Bamhani Nayapara, Post Bakulwahi, Tahsil & District Narayanpur, Chhattisgarh.
6. Smt. Sangeeta Usendi, W/o Shri Tijauram Usendi, R/o Village Khodgaon, Post And District Narayanpur, Chhattisgarh.
7. Ku. Nanda Nag, W/o Shri Laxminath Nag, R/o Gauravpath Road, Bakhrupara, Narayanpur, District Narayanpur, Chhattisgarh.
8. Shanturam Sori, W/o Shri Faguram Sori, R/o Village Benur Sheetlapara, Narayanpur, District Narayanpur, Chhattisgarh.

--- Respondents

AND

WPS No. 2916 of 2018

- Manoj Kumar S/o Late Ratiram Aged About 30 Years R/o Village Khairabhat , Post Binjli , Tahsil And District Narayanpur Chhattisgarh.



Versus

1. The State Of Chhattisgarh Narayanpur District Narayanpur Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Narayanpur, District Narayanpur Chhattisgarh.
3. Zila Panchayat, Narayanpur, Through The Chief Executive Officer, Narayanpur, District Narayanpur, Chhattisgarh.
4. Collector, Narayanpur, District Narayanpur, Chhattisgarh.
5. Chukeshwar Yadav, S/o Chhannu Singh Yadav, R/o Village Gothajhambhari, Post Bakulwahi, Tahsil & District Narayanpur, Chhattisgarh.

--- Respondents

(Cause title taken from Case Information System)

For Petitioners	:	Ms. Pratibha Sahu, Advocate.
For State/Respondents No.1 & 4	:	Mr. Rohitashva Singh, Deputy G.A.
For Respondents No.2 & 3	:	Mr. Shivam Mishra, Advocate.

Hon'ble Shri Justice Sachin Singh Rajput

C A V Order

1. As the identical issue involved in these writ petitions, they are being heard and decided together by this common order.
2. For the sake of brevity, WPS No.2906/2018 is taken as a lead case.
3. This writ petition has been filed by the petitioners under Article 226 of the Constitution of India, challenging the selection list dated 12.02.2018 (Annexure-P/9) and seeking following reliefs:-

“10.1 That, this Hon’ble Court may kindly be call for the records pertaining to the case of the petitioner.

10.2 The Hon’ble Court may kindly be pleased to quash the select list dated 12.02.2018 (Annexure-P/9).

10.3 The Hon’ble Court may kindly be pleased to direct the respondents No.2 & 3 to select the petitioner for her appointment on the post of village Panchayat Secretary for village Panchayat within the District of Narayanpur.

10.4 The Hon’ble Court may kindly be pleased to



grant any other ancillary relief, as it may deem fit and proper in the facts and circumstances of the case.

10.5 Cost of the petition.”

4. Brief facts of the case are that the petitioner was earlier appointed on the post of Rojgar Sahayak vide order dated 23.05.2007 (Annexure-P/4) on contract basis for a period of one year, which is extended from time to time and she worked till 25.02.2017 for about 10 years. Thereafter, respondent No.2/Chief Executive Officer, Zila Panchayat, Narayanpur (C.G.) on 19.06.2017 (Annexure-P/5) issued an Experience Certificate to the petitioner. Thereafter, respondent No.2 issued an advertisement for appointed of Secretaries for village panchayat vide advertisement dated 06.06.2017 (Annexure-P/6), wherein mandatory requirements for being eligible for appointment on the post of the Panchayat Secretary was within the territorial jurisdiction of Zila Panchayat have also been specifically mentioned in the advertisement. Subsequently, on the basis of requirements as mentioned in the clauses of the advertisement, fulfilling all the criteria petitioner applied for the post of Panchayat Secretary. Eventually, respondents No.2 & 3 have prepared and published the consolidated merit list, relevant portion of the said merit list is annexed herewith as Annexure-P/7 amongst the candidates, who applied for the said post. Afterwards, the respondents No.2 & 3 have issued the final merit list on 25.11.2017 (Annexure-P/8) and called the candidates, whose names found in the said merit list for verification of their documents. In the said merit list, name of the petitioner finds place at Sr. No.4 and nothing has been mentioned in the remark column, therefore, she appeared before the competent authorities and got her documents verified also. But, when the respondents have issued / published the selection list of the candidates on 12.02.2018 (Annexure-P/9) for the post of Panchayat Secretary, petitioner did not find her name in the



said selection list, whereas the candidates, who are less meritorious have been selected for the post of Panchayat Secretary and one Shantu Ram Sori, who is the resident of some other District was also selected for appointment, which is contrary to the clause of the advertisement. Hence this petition.

5. Learned counsel for the petitioner submitted that the selection list dated 12.02.2018 (Annexure-P/9) is illegal, erroneous and contrary to law. She further submits that the candidates, who are lower in merit list have been appointed by the respondents without any rational basis, which constitutes hostile discrimination and violates equality of opportunity in public employment. It is settled law that selection must be adhere to merit unless valid reasons are recorded. It is further submitted that respondent authorities have not relied upon the Panchayat Service (Recruitment and General Conditions of Services) Rules, 1999 while preparing and publishing the said selection list. She further submits that respondents have placed the name of the petitioner at Sr. No.4 in the merit list and also called her for verification of the documents, which created a legitimate expectation of appointment to the petitioner, but in selection list, candidates, who are less meritorious got their names in it, whereas, petitioner has not found any place in the selection list. It is further submitted that respondents have taken the ground that if any candidate, who have been terminated from service is not eligible for further appointment in the aforementioned advertisement is completely arbitrary. Respondent authorities cannot be allowed to act on their *whims and fancies*, as there was no such criteria / condition was mentioned in the terms and conditions of the advertisement published for the recruitment and appointment of the Secretary Gram Panchayat. Further, it is a settled law that qualification criteria published in the notification for recruitment/ advertisement cannot be changed in the mid-stream of the selection process, except only when it is constitutionally violative. In support of her



contention, she relied upon the judgment of Hon'ble Supreme Court in the matter of **Anil Kishore Pandit versus The state of Bihar & Others** in **Civil Appeal No. 1566 of 2024.**

6. Learned counsel for the respondents No.2 & 3 opposed the submissions of learned counsel for petitioner and submitted that petitioner is praying for the quashment of the selection list dated 12.02.2018 (Annexure-P/9), in which 27 candidates have been selected, whereas petitioner has arrayed only 4 candidates as respondents in the instant petition, therefore, the instant petition is not maintainable and is accordingly liable to be dismissed on account of non joinder of necessary party. He further submits that in accordance with the advertisement, it has been provided that for higher educational qualification, 5 additional marks would be granted to the candidates and for the working experience of 10 years on the post of Rozgar Sahayak, 30 marks would be granted, according to which 30 marks have been given to the petitioner. It is further submitted by the counsel for the respondents No.2 & 3 that after scrutiny of the documents, provisional select list was prepared and objections were also invited, wherein his name has found a place at Sr. No.4 in the list of candidates belonging to open category and at Sr. No.3 in the list of candidates belonging to ST category, in total, she got 72.05 marks, but before preparing of the final selection list, it came to the knowledge of the selection committee that candidates, who have been appointed under the scheme of Mahatma Gandhi National Rural Development Scheme and subsequently terminated from the post of Rozgar Sahayak due to irregularities shall not be considered for appointment under the said advertisement, as in this regard instructions dated 06.01.2018 and 30.01.2015 have been given, which is collectively annexed herewith as (Annexure-R/1). It is further submitted that in light of the guidelines issued by the Department of Panchayat and Rural Development, on 09.01.2018 vide Annexure-R/2 Selection Committee has decided not to extend the marks for



experience to those candidates, who have been terminated from the post of Rozgar Sahayak on account of irregularities and the present petitioner is also one of the candidates, who have been terminated vide order dated 25.02.2017 (Annexure-R/3). Therefore, the fresh merit list was prepared after deducting the marks of experience, in which, petitioner got only 42.05 marks and also got her name at Sr. No.310 under open category candidates list and also at Sr. No.209 under ST category candidates list. Further he submits that respondent No.8 has submitted his domicile certificate of Village Benur, Tahsil and District Narayanpur (C.G.), which was issued by the Tahsildar dated 07.10.2010, which annexed and marked as Annexure-R/5. Thus, he submits that there is no illegality or infirmity in the selection list dated 12.02.2018 (Annexure-P/9) and is in accordance with law, hence, the instant writ petition is liable to be dismissed.

7. Learned counsel for the respondents No.1 & 4/State submits that the dispute is between the petitioner/respondents No.2 & 3. However, he supports the contention of Mr. Mishra.
8. I have heard the learned counsel for the parties with patience and undertaken the exercise of perusing the record with rapt attention.
9. From the records, it appears that pursuant to the advertisement (Annexure P/6) for appointment to the post of Panchayat Secretary, the petitioner as well as the private respondents had submitted their applications. Condition No. 7 prescribes the manner of allocation of marks for selection. A maximum of 30 marks was earmarked for experience gained while working as Rojgar Sahayak, i.e. 3 marks for each year of service, subject to a maximum of 10 years. It further appears that on this basis, a provisional merit list was prepared in which the petitioner was placed above the private respondents. The record also reflects that initially the petitioner was awarded 30 marks for her experience. However, before issuance of the final select list and



appointment orders, it came to the notice of the respondents that some of the candidates included in the merit list had earlier been terminated from the post of Rojgar Sahayak. Accordingly, clarifications were sought from the Department of Rural Development regarding the grant of experience marks to such candidates.

10. An advisory was issued to the effect that candidates appointed under the Mahatma Gandhi Rural Development Scheme and subsequently terminated on account of irregularities ought not to be considered for appointment under the said scheme. Thereafter, the Selection Committee decided not to grant experience marks to candidates who had been terminated from the post of Rojgar Sahayak on account of irregularities. Consequently, the marks earlier awarded to the petitioner towards experience were withdrawn and a revised select list was prepared wherein the names of the private respondents were included. The said selection was challenged by the petitioner.
11. The principal contention of learned counsel for the petitioners is that the petitioner was deprived of selection despite having been awarded the maximum marks initially. It is to be noted that while preparing the merit list, the petitioner had been granted 30 marks for experience as Rojgar Sahayak. However, upon clarification and subsequent decision, it was held that such marks were not liable to be granted as the petitioner had been terminated from service. The minutes of the meeting held on 09.01.2018 have also been placed on record as Annexure R-2. It is not the case of the petitioner that her termination from the post of Rojgar Sahayak on 25.02.2017 was challenged or set aside. A perusal of Annexure R-3 the termination order reveals that allegations of negligence in discharge of duties were levelled against her. Despite issuance of notice and grant of opportunity of hearing, she failed to appear and was consequently removed from service as Rojgar Sahayak.



12. It further appears that thereafter appointment orders were issued in favour of the private respondents which have been placed on record as Annexure R-4. Neither the decision of the Selection Committee regarding denial of 30 experience marks to candidates terminated from service nor the appointment orders issued to the private respondents have been challenged by the petitioner. It is a settled principle of law that mere inclusion or placement in a select list does not confer an indefeasible right to appointment upon a candidate. In the present case, the petitioner was not ultimately selected, therefore, she cannot claim any vested right to appointment to the post of Panchayat Secretary.
13. In light of the foregoing discussion, this Court finds no merit in the present petitions. The petitions accordingly fail and are hereby **dismissed**.

Sd/-

(Sachin Singh Rajput)
Judge

H.Ansari/Deepti Jha