



2026:CGHC:12565



2026:CGHC:12565

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2700 of 2023**

1 - Yuvraj Kumar Sahu S/o Shri Raja Ram Sahu Aged About 34 Years
R/o Village Koma Block Fingeshwar District Gariyaband Chhattisgarh.

... Petitioner(s)**versus**

1 - State Of Chhattisgarh Through The Secretary, Department Of Higher Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.

2 - Additional Director Directorate Of Higher Education Department, Atal Nagar, Raipur District Raipur Chhattisgarh.

3 - Chhattisgarh Public Service Commission Raipur, Through Its Secretary, Public Service Commission, Raipur, Shankar Nagar Raipur District Raipur Chhattisgarh.

... Respondent(s)

For Petitioner(s)	:	Mr. Jeet Ram Patel, Advocate.
For Respondent(s)/State	:	Mr. Ashutosh Shukla, Panel Lawyer.
For Respondent No. 3	:	Mr. Anand Mohan Tiwari, Advocate.

**Hon'ble Mr. Justice Amitendra Kishore Prasad****Order on Board****16/03/2026**

1. By way of this petition, the petitioner has prayed for following reliefs:-

"10.1 That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders respondents may kindly be directed to consider the case of the petitioner for appointment on the post of Assistant Professor (Hindi) Higher Education Department through the waiting list.

10.2 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider and decide the representation (Annexure P/7) of the petitioner.

10.3 That, this Hon'ble Court may kindly be pleased to grant any other relief/relief's in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner."

2. Brief facts of the case, is that, the instant petition has been preferred before this Hon'ble Court against the arbitrary and unjustified inaction on the part of the respondent authorities, whereby the petitioner has been deprived of his rightful consideration for appointment to the post of Assistant Professor (Hindi) from the waiting list, despite the fact that one candidate of



the same category has not joined at the place of posting and the petitioner is placed at Serial No. 1 in the overall waiting list. The petitioner has repeatedly approached the respondent authorities since the beginning, seeking consideration for appointment upon clearance of the waiting list; however, neither has his claim been considered nor has the waiting list been operated or exhausted. The Public Service Commission issued an advertisement dated 23.01.2019, followed by a corrigendum dated 08.01.2021, inviting applications for various posts of Assistant Professors in different subjects, including 50 posts for Assistant Professor (Hindi), out of which 20 posts were unreserved, 05 for Scheduled Castes, 15 for Scheduled Tribes, 06 for Other Backward Classes, and 04 backlog posts. The petitioner, belonging to the OBC category, duly applied for the said post, appeared in the written examination, and upon declaration of the result, the final selection list along with the merit and waiting list was published on 25.02.2021, wherein the petitioner was placed at Serial No. 1 in the overall waiting list. Subsequently, posting orders for 40 selected candidates were issued on 04.01.2022, and appointment orders for the remaining 10 candidates were also issued on different dates. One such selected candidate, namely Shivnandan Shukla, placed at Serial No. 11 in the final selection list, was allotted posting at Government Rani Durgavati College, Wadrafnagar, District Balrampur (C.G.) on 24.03.2022; however, he has not joined the said post and is presently serving as Assistant Professor (Hindi) in



the State of Uttar Pradesh. In such circumstances, since the petitioner, being an OBC candidate, stands first in the waiting list, he is entitled to be considered for appointment against the said vacant post. Despite this, the respondent authorities have failed to take any action, and the petitioner's repeated representations have gone unheeded, with the waiting list neither being operated nor cleared, without any justifiable reason.

3. Learned counsel for the petitioner submits that the action of the respondent authorities in not considering the petitioner's candidature for appointment from the waiting list is wholly illegal, arbitrary, and contrary to settled principles of law. It is contended that the petitioner is placed at Serial No. 1 in the overall waiting list and, therefore, has a legitimate right to be considered for appointment against the vacant post which has remained unfilled due to non-joining of a selected candidate. It is further submitted that one of the selected candidates, namely Shivnandan Shukla, placed at Serial No. 11 in the select list, is already serving under the State of Uttar Pradesh and has not joined the post of Assistant Professor (Hindi), thereby creating a clear vacancy. Despite this admitted position, the respondents have failed to offer appointment to the petitioner, who stands first in the waiting list, and such inaction is unjustified and unsustainable in law. Learned counsel further submits that the petitioner has, on several occasions, approached the respondent authorities through representations seeking consideration of his claim and operation



of the waiting list; however, the same have neither been decided nor has any reason been assigned for such non-consideration. It is thus argued that the petitioner is entitled to be appointed against the said vacant post, and the arbitrary refusal or inaction on the part of the respondents deserves to be set aside. It is lastly submitted that the petitioner craves leave to urge such other grounds as may be necessary at the time of hearing.

4. On the other hand, learned counsel appearing on behalf of the respondents has vehemently opposed the submissions advanced by the petitioner and has contended that the reliefs sought are wholly untenable in law as well as on facts. It is submitted that the actions of the respondent authorities are in strict conformity with the applicable rules, regulations, and settled legal principles, and therefore do not warrant any interference by this Hon'ble Court. Learned counsel further argues that the petition is devoid of merit, suffers from material infirmities, and has been filed without any justifiable cause, and as such, deserves to be dismissed at the threshold.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the facts and circumstances of the present case, and further taking into account that the petitioner has already submitted a detailed representation dated 06.03.2023 before the competent respondent authorities, which has remained pending without any decision till date, this Court deems it appropriate to



direct the concerned respondent authorities, namely respondents No. 1 and 2, to consider and decide the said representation in accordance with law. In view of the aforesaid, it is further directed that the respondent authorities shall take a reasoned and speaking decision on the petitioner's representation dated 06.03.2023 within a period of 30 days from the date of receipt of a certified copy of this order. The petitioner is also directed to approach the concerned authorities within a reasonable time and furnish a copy of this order along with all relevant documents to facilitate expeditious consideration.

7. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge

Raghu Jat