



2026:CGHC:12565



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 2678 of 2023**

1 - Devendra Kumar S/o Shri Kishan Lal Aged About 28 Years R/o, Village Kurra, Block Bhakhara, District Dhamtari, Chhattisgarh, District : Dhamtari, Chhattisgarh.

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

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

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

3 - Chhattisgarh Public Service Commission, Raipur Through Its Secretary, Public Service Commission, Raipur, Shankar Nagar, Raipur, Chhattisgarh, 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.
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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 (Psychology) 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 present petition has been preferred before this Hon'ble Court assailing the arbitrary and unjustified inaction of the respondent authorities in failing to consider the candidature of the petitioner for appointment to the post of Assistant Professor (Psychology), despite the petitioner



having been placed at Serial No. 2 in the overall waiting list and at Serial No. 1 in his category, i.e., Scheduled Tribe (S.T.). The Public Service Commission issued an advertisement dated 23.01.2019, subsequently modified by corrigendum dated 08.01.2021, inviting applications for 08 backlog vacancies of Assistant Professor (Psychology), out of which 03 posts were reserved for Scheduled Castes and 05 posts for Scheduled Tribes, including one post reserved for a Scheduled Tribe (woman). The petitioner, being an eligible Scheduled Tribe candidate, duly participated in the selection process, and upon declaration of the final result and waiting list on 11.02.2021, he was placed at Serial No. 2 in the overall waiting list and at Serial No. 1 in the Scheduled Tribe category. Subsequently, one selected candidate, namely Jogeshwari Poyam, who had been appointed against a Scheduled Tribe (General) post vide order dated 24.12.2021 and posted at Government Kaktiya Post Graduate College, Jagdalpur, failed to join within the stipulated period of one month; as evidenced by memo dated 24.02.2022 issued by the Principal of the said college to the Commissioner, Directorate of Higher Education, Raipur, she did not join her duties and was reportedly already employed as a Nayab Tahsildar. Despite the availability of the said vacancy and the petitioner being next in order of merit and fully eligible for consideration, the respondent authorities have failed to operate the waiting list or consider the petitioner for appointment, notwithstanding repeated



representations made by him. Such inaction on the part of the respondents in not exhausting the waiting list and not considering the petitioner against the available vacancy is arbitrary, illegal, unreasonable, and contrary to the settled principles of law governing selection and appointment. The petitioner, belonging to the same reserved category and standing first in the waiting list of the Scheduled Tribe category, is legally entitled to be considered for appointment against the said post, particularly when the originally selected candidate failed to join within the prescribed period and is admittedly employed elsewhere, therefore, once the selected candidate did not join, the vacancy ought to have been filled from the waiting list, and the petitioner, being next in merit, has a vested right to be duly considered for appointment.

3. Learned counsel for the petitioner submits that the action of the respondent authorities in failing to consider 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, being placed at Serial No. 2 in the overall waiting list and at Serial No. 1 under the Schedule Tribe category, had a legitimate right to be considered for appointment against the vacant post arising due to non-joining of a selected candidate belonging to the same category. It is further submitted that one of the selected candidates, namely Miss Jageshwari Poyam, who was appointed under the Schedule Tribe category, did not join the post of Assistant Professor (Psychology) as she is presently



serving as Nayab Tahsildar, thereby leaving the said post vacant.

In such circumstances, the respondents were duty-bound to operate the waiting list and offer appointment to the petitioner. Learned counsel further submits that despite repeated representations and approaches made by the petitioner to the competent authorities seeking consideration and appointment against the said vacancy, the respondents have failed to take any action and have not cleared or operated the waiting list without assigning any justifiable reason. It is thus argued that such inaction on the part of the respondents is arbitrary, unjust, and violative of the petitioner's legitimate rights, and the petitioner craves leave to raise additional grounds, if 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 08.07.2022, followed by several subsequent representations from time to time, all of which have 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 aforesaid representation strictly in accordance with law, expeditiously and within a stipulated period of 30 days from the date of receipt of a copy of this order, so as to ensure that the grievance raised by the petitioner is duly and effectively addressed. It is further directed that the petitioner shall approach the concerned authorities within a reasonable period and submit a copy of this order along with the relevant representation, thereby facilitating prompt and effective compliance with the directions contained herein.
7. With this observation and direction, the writ petition is disposed of.

Sd/-

(Amitendra Kishore Prasad)
Judge