



2026:CGHC:23919-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 473 of 2026

Kalindar Ram S/o Jageram Aged About 45 Years Assistant Grade - III At High School Dolangi, Tahsil Ramchandrapur District Balrampur Ramanujganj, Chhattisgarh (Present Address - Budrinijhariya, Ambikapur, District - Surguja (C.G.))

... Appellant

versus

1 - State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mahanadi Bhawan Mantralaya Capital Complex Naya Raipur, District - Raipur Chhattisgarh

2 - State Of Chhattisgarh Through Assistant Commissioner, Department Of Tribal Welfare, Balrampur, District - Balrampur-Ramanujganj Chhattisgarh

3 - The Commissioner Surguja Division Ambikapur Chhattisgarh, District - Surguja (Ambikapur), Chhattisgarh

4 - The Collector Balrampur District - Balrampur - Ramanujganj Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)

For Appellant	:	Mr. Manoj Paranjpe, Senior Advocate assisted by Mr. Kabeer Kalwani, Advocate
For State/Respondents	:	Mr. Prasun Kumar Bhaduri, Deputy Advocate General

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

16.06.2026

- 1 Heard Mr. Manoj Paranjpe, learned Senior Counsel assisted by Mr. Kabeer Kalwani, learned counsel for the appellant as well as



Mr. Prasun Kumar Bhaduri, learned Deputy Advocate General, appearing for the State/respondents.

- 2 The present intra Court appeal has been filed against the order dated 19.03.2026 passed by the learned Single Judge in WPS No.703/2019 and analogous petitions, whereby the writ petition filed by the appellant/writ petitioner before the learned Single Judge has been dismissed.
- 3 Brief facts before the learned Single Judge, in a nutshell, were that an advertisement dated 04.04.2012 was issued by the Collector, Balrampur-Ramanujganj inviting applications for 268 posts of Peon and 72 posts of Assistant Grade-III. The petitioner/appellant, being an eligible candidate, applied for the concerned post and participated in the selection process, including the written examination and skill test. Thereafter, a select list was published on 01.05.2013 and appointments were initially made against various posts. Subsequently, appointment orders in favour of the petitioner/appellant and other similarly situated candidates were issued on 01.01.2014, pursuant to which they joined their respective posts and discharged their duties. Thereafter, certain complaints were received regarding alleged irregularities in the selection process, including non-compliance of the reservation roster and appointments made against subsequently sanctioned posts without proper advertisement. Acting upon such complaints, the Collector, vide order dated



05.10.2015, cancelled the appointments of 57 Peons and 11 Assistant Grade-III candidates, including the petitioner/appellant.

- 4 Aggrieved thereby, the petitioner/appellant along with other affected candidates approached this Court by filing W.P.(S) No.4091/2015 and other connected petitions, which were disposed of vide order dated 04.04.2017 setting aside the Collector's order and remitting the matter back for fresh consideration after affording an opportunity of hearing to the affected candidates. Pursuant thereto, the Collector issued show-cause notices on 03.08.2017, conducted an enquiry and, thereafter, again cancelled the appointments of the petitioner/appellant and certain other candidates vide order dated 19.11.2017. The petitioner/appellant challenged the said order before the Commissioner by filing a statutory appeal. Though the Commissioner partly allowed the appeals and restored the appointments of 33 candidates, the appeal preferred by the petitioner/appellant came to be dismissed vide order dated 05.06.2018, affirming the order of cancellation passed by the Collector.
- 5 Challenging the aforesaid orders of the Collector and the Commissioner, the petitioner/appellant preferred the writ petition before the learned Single Judge, which was dismissed by the learned Single Judge vide order dated 19.03.2026 in batch of writ petitions.



- 6** Aggrieved by the common order dated 19.03.2026 passed by the learned Single Judge dismissing the writ petition filed by the petitioner/appellant along with other connected writ petitions, the appellant has preferred the present writ appeal calling in question the legality, validity and correctness of the said order.
- 7** Learned counsel for the appellant submits that the learned Single Judge has erred in upholding the orders passed by the Collector and the Commissioner cancelling the appointment of the appellant. It is contended that the appellant was appointed against a duly sanctioned vacant post of Assistant Grade-III after following the prescribed selection process. Learned counsel submits that subsequent to the issuance of the advertisement dated 04.04.2012, additional posts were sanctioned on 26.09.2013 and, being a candidate in the waiting list, the appellant was called for counselling on 07.10.2013 and was thereafter appointed against one of the sanctioned vacant posts. According to learned counsel, the appointment of the appellant was made strictly in accordance with the applicable reservation roster and after due verification of eligibility and documents.
- 8** Learned counsel further submits that the initial order dated 05.10.2015 cancelling the appointment of the appellant was passed in complete violation of the principles of natural justice, as neither any show-cause notice was issued nor any opportunity of hearing was afforded to the appellant. It is argued that the



Collector relied upon an enquiry report prepared behind the back of the appellant, a copy whereof was never supplied to her. It is also contended that the authorities erroneously proceeded on the assumption that the revised reservation roster notified on 04.12.2012 was not followed, despite the fact that the appellant had been appointed against subsequently sanctioned vacant posts after conducting counselling and verification in accordance with the applicable reservation policy. Learned counsel submits that the Commissioner also failed to appreciate these aspects while affirming the order of cancellation.

- 9 It is lastly submitted that the appellant had worked on the post of Assistant Grade-III for more than four years and had acquired valuable service rights. There is neither any allegation of fraud nor any misrepresentation on the part of the appellant and, therefore, she cannot be penalized for any alleged irregularity attributable to the authorities themselves. Placing reliance upon the decisions of the Hon'ble Supreme Court in **Anmol Kumar Tiwari v. State of Jharkhand, (2021) 5 SCC 424**, **Vikas Pratap Singh v. State of Chhattisgarh, (2013) 14 SCC 494** and **Swati Priyadarshini v. State of Madhya Pradesh, (2024) 19 SCC 128**, as well as the decision of this Court in **Bhojeshwar Chandrakar v. State of Chhattisgarh (WPS No.4676/2021 decided on 15.04.2026)**, learned counsel contends that an employee who has been appointed through a selection process and has served for several



years cannot be deprived of service merely on account of lapses attributable to the employer. It is, therefore, submitted that the impugned order passed by the learned Single Judge suffers from legal infirmity and deserves to be set aside.

- 10** On the other hand, learned State counsel opposes the submissions advanced on behalf of the appellant and supports the impugned order passed by the learned Single Judge. It is submitted that the appointment of the appellant was found to be contrary to the applicable recruitment process and reservation roster, as additional appointments were made against subsequently sanctioned posts without issuance of any fresh advertisement and without extending equal opportunity to all eligible candidates. Learned State counsel submits that a detailed enquiry was conducted pursuant to complaints received regarding irregularities in the selection process and, after affording due opportunity in terms of the directions issued by this Court in the earlier round of litigation, the competent authority passed the order cancelling the appointment of the appellant, which was subsequently affirmed by the Commissioner. It is contended that the learned Single Judge, upon an elaborate consideration of the factual and legal aspects of the matter, found no infirmity in the orders passed by the authorities. Therefore, no case for interference is made out in the present writ appeal and the same deserves to be dismissed.



- 11** We have bestowed our anxious consideration to the rival submissions advanced on behalf of the parties and have carefully examined the material available on record, including the order dated 19.03.2026 passed by the learned Single Judge, the orders passed by the Collector and the Commissioner, as well as the documents forming part of the record.
- 12** From a perusal of the impugned order, it is evident that the learned Single Judge has undertaken a detailed examination of the factual matrix as well as the legal principles governing public employment and recruitment to public posts. The learned Single Judge has specifically taken note of the fact that the advertisement dated 04.04.2012 was issued for a definite number of vacancies, namely 268 posts of Peon and 72 posts of Assistant Grade-III, and that the recruitment process initiated pursuant thereto culminated upon preparation of the select list and issuance of appointment orders against the notified vacancies.
- 13** It is not in dispute that the appointment of the appellant was not made against any vacancy forming part of the original advertisement. The record reveals that after completion of the recruitment process and issuance of appointment orders to the selected candidates, certain additional posts came to be sanctioned subsequently. Instead of initiating a fresh recruitment process for those newly sanctioned posts, appointments were made from the existing select list prepared pursuant to the



advertisement dated 04.04.2012. It is against such subsequently sanctioned posts that the appellant came to be appointed.

- 14** The principal contention advanced on behalf of the appellant is that the additional posts were duly sanctioned by the competent authority and that the appellant, being a candidate in the waiting list, was rightly considered and appointed after counselling. However, mere sanction of additional posts does not confer authority upon the employer to fill such posts from a select list prepared for an earlier recruitment process after the notified vacancies had already been filled.
- 15** The issue is not whether the posts were sanctioned, but whether those posts could legally be filled without issuing a fresh advertisement and without affording an opportunity to all eligible candidates who may have become entitled to participate in the recruitment process.
- 16** The learned Single Judge has rightly relied upon the settled legal position that recruitment must remain confined to the vacancies advertised and that once the advertised vacancies are filled, the selection process stands exhausted. Any appointment made against vacancies arising or sanctioned subsequently, without issuing a fresh advertisement, would amount to filling future vacancies from an old select list, thereby depriving other eligible candidates of their constitutional right to compete for public employment.



- 17 The Hon'ble Supreme Court in ***Anurag Kumar Singh and others v. State of Uttarakhand and others, Civil Appeal no.8334/2013*** has categorically held that appointments pursuant to a recruitment process must remain confined to the number of posts advertised and that additional posts created after completion of the recruitment year are required to be filled through a fresh recruitment process.
- 18 Similarly, in ***Rakhi Ray and others v. High Court of Delhi and others, (2010) 2 SCC 637***, it has been authoritatively held that appointments cannot be made beyond the number of vacancies notified in the advertisement and that inclusion of a candidate in a select list does not confer any indefeasible right to appointment. The principles laid down in the aforesaid decisions squarely govern the controversy involved in the present case.
- 19 We also find ourselves unable to accept the submission of the appellant that having worked for more than four years, she acquired a vested or enforceable right to continue in service. Length of service by itself cannot validate an appointment which is otherwise contrary to the constitutional scheme governing public employment. While sympathetic considerations may arise in favour of a person who has served for a considerable period, such considerations cannot override the mandate of Articles 14 and 16 of the Constitution of India.
- 20 Equally unmeritorious is the contention that the appellant cannot



be made to suffer for lapses allegedly committed by the authorities. The judgments relied upon by learned counsel for the appellant, namely Anmol Kumar Tiwari, Vikas Pratap Singh and Swati Priyadarshini, were rendered in distinct factual situations where the appointments were not found to be fundamentally de hors the recruitment process itself. In the present case, however, the defect goes to the very root of the matter, inasmuch as the appointment of the appellant was made against vacancies not covered by the original advertisement and after the recruitment process had already concluded. Therefore, the said decisions do not advance the case of the appellant.

- 21** We also find that pursuant to the earlier directions issued by this Court, the matter was reconsidered by the Collector after issuance of show-cause notices and affording opportunity of hearing to the affected candidates. Thereafter, a reasoned order came to be passed by the Collector, which was subjected to appellate scrutiny before the Commissioner. The Commissioner, after examining the entire matter, partly allowed the appeals and granted relief to certain candidates whose cases stood on a different footing, while affirming the cancellation of appointments in respect of candidates, including the appellant, whose appointments were found to have been made against subsequently sanctioned posts in violation of the governing recruitment norms. Thus, the grievance regarding denial of



opportunity of hearing no longer survives.

- 22** Upon an independent examination of the record, we are satisfied that the findings recorded by the learned Single Judge are based upon proper appreciation of the material available on record and are fully supported by the settled principles of law governing recruitment to public posts. No perversity, jurisdictional error, manifest illegality or patent infirmity has been pointed out which may warrant interference by this Court in exercise of intra-Court appellate jurisdiction.
- 23** In view of the foregoing discussion, we are of the considered opinion that the appointment of the appellant having been made against posts not forming part of the original advertisement and after culmination of the recruitment process, was legally unsustainable. The action of the authorities in cancelling such appointment cannot be said to be arbitrary or contrary to law. The learned Single Judge has rightly declined to interfere with the orders passed by the Collector and affirmed by the Commissioner.
- 24** Consequently, finding no merit in the present writ appeal, the same deserves to be and is hereby **dismissed**. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice