



CGHC010177062026



2026:CGHC:30133-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WA No. 596 of 2026

Balmukund Ram S/o Digambar Ram Aged About 31 Years (24years Mentioned In The Impugned Order Based On The Writ Petition Filed In The Year 2018) Assistant Grade Iii At High School Durgapur, Tahsil And P.S. Shankargarh District-Balrampur-Ramanujanj Chhattisgarh, (Present Address- Bhutrapara, Ambikapur District - Surguja)

... Appellant(s)

versus

1 - State Of Chhattisgarh Through Secretary, Tribal Welfare, Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Naya Raipur, District -Raipur Chhattisgarh, Respondent No. 1

2 - State Of Chhattisgarh Through Assistant Commissioner, Department Of Tribal Welfare, Balrampur, District-Balrampur-Ramanujanj Chhattisgarh, Respondent No. 2

3 - The Commissioner Surguja Division, Ambikapur Chhattisgarh, District Surguja (Ambikapur), Chhattisgarh Respondent No. 3

4 - The Collector Balrampur District-Balrampur-Ramanujanj Chhattisgarh. Respondent No. 4

... Respondent(s)

For Appellant(s) : Mr. Kabeer Kalwani, Advocate

For Respondent(s) : Mr. Praveen Das, Add. A.G.



Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge
Order on Board

Per Ramesh Sinha, Chief Justice

16.07.2026

1. Heard Mr. Kabeer Kalwani, learned counsel for the appellant.
Also heard Mr. Praveen Das, learned Additional Advocate General, appearing for respondent/State.
2. The present writ appeal is preferred assailing the order dated 19.03.2026 passed by the learned Single Judge in WPS No. 705/2019 (**Balmukund Ram vs. State of Chhattisgarh and Others**), whereby, the writ petition filed by the appellant herein was dismissed by the learned Single Judge.
3. It has been pointed out by learned counsel, appearing for the appellant as well as learned counsel appearing for the respondent that in an identical matter, this Bench had dismissed **WA No. 473/2026 (Kalindar Ram vs. State of Chhattisgarh & Others)** vide order dated 16.06.2026, observing as follows :

“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. "

They further submit that since the facts and issue involved in the present case is identical to that of **WA No. 473/2026**, this appeal may also be dismissed in the same terms.

4. Having considered the rival submissions made by learned counsel for the parties and having gone through the materials on record, it is evident that the facts and issue involved in this appeal is identical to WA No. 473/2026, this Court deems it appropriate not to take a view other than what has been taken in WA No. 473/2026.
5. Accordingly, the present appeal is **dismissed** in terms of the order dated 16.06.2026 passed in **WA No. 473/2026**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice