



2026:CGHC:3898

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8809 of 2019

1 - Jitendra Chandrakar S/o Malikram Chandrakar Aged About 40 Years R/o Thakur Pyarelal Ward Idgahbhata, Near Sahu Bhawan, Lane Number 10, Raipur, District Raipur, Chhattisgarh.,

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Agriculture Development And Kishan Kalyan And Biotechnology Department, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.,

2 - Director Agriculture Directorate, Mahanadi Bhawan, Mantralaya, Capital Complex, Atal Nagar, New Raipur, District Raipur, Chhattisgarh.,

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

4 - Divisional Joint Director Agriculture Raipur, District Raipur, Chhattisgarh.

... Respondent(s)

For Petitioner(s)	: Shri Manoj Paranjpe, Sr. Advocate with Shri Kabir Kalwani, Advocate.
For Respondent/ State	: Shri Rahul Tamaskar, GA with Shri Shahil Singh, PL.

Hon'ble Shri Sanjay K. Agrawal, J

Order On Board



22/01/2026

1. The petitioner herein had appeared in the examination conducted by the Chhattisgarh Public Service Commission for the post of Assistant Deputy Director (Agriculture), in which the select list was published on 27.5.2014 wherein the petitioner stood at Sr. No.10 in the merit list. However, on account of pendency of the criminal case for offence under Section 498-A of the IPC, his name could not be considered though list of appointed candidates was issued on 17.10.2014. However, the petitioner kept silent and upon his acquittal on 25.1.2019 and after his rejection of representation on 27.9.2019, the present Writ Petition came to be filed on 17.10.2019.
2. Shri Paranjpe, learned Senior Counsel appearing on behalf of the petitioner would submit that the petitioner was falsely implicated in criminal case for offence under Section 498-A of the IPC by his wife and upon acquittal on 25.1.2019, he preferred a representation on 4.2.2019, which was rejected on 27.9.2019 without passing a speaking order and, therefore, the impugned order deserves to be set aside.
3. On the other hand, learned State Counsel would submit that as per clause 19.2 of the Procedure for Appointment, the period of select list has already expired and, therefore, the representation preferred by the petitioner has rightly been rejected and he has rightly been denied appointment.
4. I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the records with utmost circumspection.



5. Admittedly, the petitioner stood at Sr. No.10 in the merit/select list issued on 27.5.2014, however, on account of pendency of the criminal case for offence under Section 498-A of the IPC, he could not be appointed in the list of appointed candidates issued on 17.10.2014. But obviously on account of pendency of the criminal case, the petitioner remained silent and when he was acquitted on 25.1.2019, he moved a representation on 4.2.2019, which was rejected on 27.9.2019 holding that the validity of the select list has already expired after the expiry of 2 years to be counted from 27.5.2014 and, therefore, as per clause 19.2 of the Procedure for Appointment, the petitioner was not appointed whereas, the petitioner has approached this Court on 17.10.2019.
6. In this regard, the Hon'ble Supreme Court in its recent decision in the matter of **Rajasthan Public Service Commission, Ajmer Vs. Yati Jain and Others** {2026 SCC OnLine SC 80}, relying on its earlier decision in the matter of **State Of UP & Others Vs Harish Chandra & Others** {(1996) 9 SCC 309,} in para-104 has held that years after the expiry of the select list, the person/candidate claiming his right to be appointed on the basis of such list does not have a subsisting right on the date he approaches the Court, and such person cannot seek a writ of mandamus and held in paras-104 & 105 as under:-

“104.The answers to such questions are not far to seek. In Harish Chandra (supra), this Court had the occasion to consider whether candidates figuring in a merit list, which had expired on the date they approached the high court seeking mandamus, could have complained of breach of any legal right arising out of their non-appointment. It was held thus:

9. Coming to the merits of the matter, in view of the



Statutory Rules contained in Rule 26 of the Recruitment Rules the conclusion is irresistible that a select list prepared under the Recruitment Rules has its life only for one year from the date of the preparation of the list and it expires thereafter. Rule 26 is extracted hereinbelow in extenso:

10. Notwithstanding the aforesaid Statutory Rule and without applying the mind to the aforesaid Rule the High Court relying upon some earlier decisions of the Court came to hold that the list does not expire after a period of one year which on the face of it is erroneous. Further question that arises in this context is whether the High Court was justified in issuing the mandamus to the appellant to make recruitment of the writ petitioners. Under the Constitution a mandamus can be issued by the court when the applicant establishes that he has a legal right to the performance of legal duty by the party against whom the mandamus is sought and the said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which is contrary to law. This being the position and in view of the Statutory Rules contained in Rule 26 of the Recruitment Rules we really fail to understand how the High Court could issue the impugned direction to recruit the respondents who were included in the select list prepared on 4-4-1987 and the list no longer survived after one year and the rights, if any, of persons included in the list did not subsist. In the course of hearing the learned counsel for the respondents, no doubt have pointed out some materials which indicate that the Administrative Authorities have made the appointments from a list beyond the period of one year from its preparation. The learned counsel appearing for the appellants submitted that in some cases pursuant to the direction of the Court some appointments have been made but in some other cases it might have been done by the appointing authority. Even though we are persuaded to accept the submission of the learned counsel for the respondents that on some occasions appointments have been made by the appointing authority from a select list even after the expiry of one year from the date of selection but such an illegal action of the appointing authority does not confer a right on an applicant to be enforced by a



court under Article 226 of the Constitution. We have no hesitation in coming to the conclusion that such appointments by the appointing authority have been made contrary to the provisions of the Statutory Rules for some unknown reason and we deprecate the practice adopted by the appointing authority in making such appointments contrary to the Statutory Rules. But at the same time it is difficult for us to sustain the direction given by the High Court since, admittedly, the life of the select list prepared on 4-4-1987 had expired long since and the respondents who claim their rights to be appointed on the basis of such list did not have a subsisting right on the date they approached the High Court. We may not be understood to imply that the High Court must issue such direction, if the writ petition was filed before the expiry of the period of one year and the same was disposed of after the expiry of the statutory period. In view of the aforesaid conclusion of ours it is not necessary to deal with the question whether the stand of the State Government that there existed one vacancy in the year 1987 is correct or not.

(emphasis ours)

105. Plainly, therefore, the writ petitions could not have been entertained having regard to the dates of its presentation. On such dates, the reserve lists had expired and none of the writ petitioners figuring in such lists could claim any right to seek a mandamus of the nature issued by the Single Judges.”

7. Admittedly, the select list was published on 27.5.2014 and its validity expired after 2 years whereas the petitioner has filed the present Writ Petition on 17.10.2019 i.e. after 5 years and it was also filed 3 years after the expiry of the select list. Therefore, in the light of law laid down by the Hon’ble Supreme Court in the matter of **Rajasthan Public Service Commission** (Supra), I do not find any merit in the present Writ Petition, which deserves to be and is hereby dismissed at the admission stage, leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge