



CGHC010366792023



2026:CGHC:27776

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8777 of 2023

Omprakash S/o Dularwa Thakur, Aged About 23 Years Caste Gond, R/o Village And Post Kesra, Tahsil Patan, District Durg Chhattisgarh.

... Petitioner

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh.

2 - Collector Kondagaon, District Kondagaon Chhattisgarh.

3 - Prakash Kumar Mandavi, R/o Village Hirlabhath, Post Bijapur, Tahsil Makdi, District- Kondagaon (C.G.)

4 - Avinash Kumar Amila, R/o Village And Post Bhainsbod Tahsil Doundi, District- Balod (C.G.)

... Respondent

{Cause title, as taken from CIS}

For Petitioner	: Mr. C.J. K. Rao, Advocate.
For Respondents No. 1 & 2	: Mr. Dilman Rati Minj, Dy. Adv. General
For Respondents No. 3 & 4	: Ms. Sweksha Sharma, Advocate.

Mr. Chitrakant Thakur, Additional Collector, Kondagaon, who is Officer-in-Charge of the case, is also present in person.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

06/07/2026

- 1) The instant writ petition under Article 226 of the Constitution of India has been preferred by the petitioner seeking following reliefs :-

"10.1 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the objection of the

petitioner and rectify the percentage the marks of the petitioner and further direct the respondent No.2 to consider the petitioner for the post of Chowkidar and Farrash.

10.2 That, this Hon'ble Court may kindly be pleased to grant any other relief as it may deems fit and appropriate. An affidavit in support of this petition is filed herewith.

10.3 That the appointment order issued in favour of Prakash Kumar Mandavi and Avinash Kumar Amila for the post of Chowkidar & Farras deserves to be set aside."

- 2) Facts of the case leading to the filing of the instant writ petition are that pursuant to the advertisement dated 26.05.2023 (Annexure P-1) issued by Respondent No. 2—the Collector, Kondagaon (Chhattisgarh) for recruitment to various posts including 'Chowkidar' and 'Farash', the petitioner applied for the posts of 'Chowkidar' and 'Farash' and was found eligible to participate in the said examination process. In the eligibility list (Annexure P-3) published by the office of the Collector, Kondagaon, for the posts of 'Chowkidar' and 'Farash', the petitioner's percentage for Class 5 is shown as 90%; however, according to his mark-sheet for Class 5 (Annexure P-2), the petitioner had secured 145 marks out of a total of 150. Thus, the petitioner's percentage works out to 96.66%, but since he was awarded 'A' grade in his mark-sheet (Annexure P-2), he was assigned 90% marks in the tabulation chart (Annexure P-3) prepared separately for the posts of 'Chowkidar' and 'Farash' solely on the basis of that 'A' grading given in his mark-sheet, despite having secured 96.66% marks in the Class 5th examination, which has also been certified by the Head Master of the Primary School, Kesra, Block Patan, District Durg (C.G.) [Page No. 20 of the writ petition].
- 3) Learned counsel for the petitioner would submit that it is evident from the petitioner's mark-sheet (Annexure P-2) that he secured a total of 145 marks

out of 150 in the Class 5 examination; as such, his percentage was 96.66%, which has also been certified by the Head Master of Govt. Primary School, Kesra, Block Patan, District Durg (C.G.) vide page No. 20 of the writ petition. Despite this, the petitioner has been awarded only 90% marks, solely on account of his 'A' grading mentioned in the mark-sheet of Class 5. Hence, he prayed that the marks of the petitioner ought to have been increased from 90% to 96.66% for Class 5th and that the respondents may be directed to appoint the petitioner to the post of either 'Chowkidar' or 'Farash', as he has filed separate applications for these two posts, by allowing the instant writ petition.

- 4) The State has filed its reply. Learned counsel for the State, referring to its reply, would submit that the name of the petitioner finds place in the list of eligible candidates for the post of 'Chowkidar' at serial No. 174 with a total score of 90% marks, and similarly, his name appears in the eligible list (Annexure P-3) for the post of 'Farash' at serial No. 107 with a score of 90% marks. Since the petitioner was graded 'A' in his mark-sheet for Class 5, his total marks were calculated as 90% as per the condition mentioned in para 2 (D) of the advertisement in respect of the allotment of marks/percentage. Since the petitioner had passed the Class 5 examination with 'A' grading, he was allotted 90% marks in the eligibility list (Annexure P-3). Learned counsel further submits that the final merit list was issued on 21.09.2023 after scrutiny of the total marks obtained by the candidates, in which Respondents No. 3 and 4, namely, Prakash Kumar Mandavi and Avinash Kumar Amila, were found to have secured higher marks than the petitioner, i.e., 98% and 95.33%, respectively; hence, their names appeared in the select list. Even with his total marks, the petitioner was not named in the waiting list; hence, his name did not find place in the merit list or the waiting list, as persons having higher marks than the petitioner were present in the merit list.
- 5) Heard counsel for the parties and perused the material available on record.
- 6) As per Clause 2(d)(1) read with Clause (6) of the advertisement, the following

table was prescribed for calculating the percentage from the grades awarded to the candidates:—

Serial No.	Grade	Prescribed maximum percentage of marked grade
1.	2.	3.
1.	A	90 percent
2.	B	73 percent
3.	C	58 percent
4.	D	43 percent
5.	E	16 percent

- 7) Thus, as per the terms of the advertisement, the candidates who secure the highest percentage shall be held meritorious in descending order for appointment to the post of 'Chowkidar' / 'Farash' (Class IV post).
- 8) Annexure P-2 is said to be the mark-sheet of Class 5 of the petitioner, wherein his total score has been calculated as 145 marks, but the total maximum marks for all three subjects have not been mentioned in the mark-sheet. The manner in which the quarterly examination, half-yearly examination, and annual examination have been divided into percentages of marks shows that each subject, i.e., 'Language', 'Environment', and 'Mathematics', had equal total marks, i.e., for example, 100 marks for each subject. Thus, the total marks for all three subjects would come to 300 marks. Out of these 300 marks, the petitioner secured a total of 145 marks, which does not even come to 50%, rather comes to 47.25%, despite which the petitioner has been wrongly graded as “A” in his mark-sheet.
- 9) Though the petitioner has filed a certificate allegedly issued by the Head Master, Govt. Primary School, Kesra, Block Patan, District Durg, vide page 20 of the writ petition, in which it has been mentioned that

the petitioner had secured 145 marks out of a total of 150 marks, thus his percentage is 96.66% and his grade is "A", but it seems that the said Head Master was not clear in respect of awarding grade to the petitioner, because whatever percentage of the total of the three subjects is calculated, the crux is that the petitioner secured a total 145 marks in all three subjects. Therefore, assuming each subject is supposed to be of 100 marks, the total for all three subjects would be 300, and out of a total of 300 marks, the petitioner secured only 145 marks i.e. 47.25%. As such, even the grade of the petitioner does not fall into grade "A".

- 10) In view of the above discussion, and particularly considering the eligibility list (Annexure P-3) in which the total percentage obtained by every candidate has been mentioned, it is obvious that there are various other candidates who had obtained higher percentage of marks than the petitioner, and the percentage of marks obtained by the petitioner in Class 5 is not sufficient to even keep him on the waiting list.
- 11) Thus, since the petitioner was not able to secure a position on the merit list against the two vacant posts (one vacant post each for Chowkidar and Farash), the petitioner has rightly been declined appointment to the said posts.
- 12) Accordingly, the writ petition fails and is hereby dismissed. No cost(s).
- 13) Pending interlocutory application(s), if any, also stand disposed of.

Sd/-
(Naresh Kumar Chandravanshi)
Judge