



2025:CGHC:22552-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 312 of 2025**

Indrajeet Singh S/o Late Shri Dharampal Singh Aged About 42 Years R/o
44 Quarter Post West Chirimiri Pondi, Tahsil Chirimiri District Now M.C.B.
Chhattisgarh

... Appellant(s)**versus**

1. State of Chhattisgarh Through Secretary, Government of Chhattisgarh, Department of Law and Lagislative Affairs, Mahanadi Bhawan, Naya Raipur, P.S. Rakhi, District Raipur, Chhattisgarh
2. District Judge District And Sessions Judge, Korea, Baikunthpur, District Korea, Baikunthpur, District Korea (C.G.)
3. Selection Committee Thorugh The President, O/o District And Sessions Judge, Korea, Baikuthpur, District Korea, Chhattisgarh
4. Regional Transport Authority Baikunthpur, Collectorate Road, Chindand District Korea, Chhattisgarh
5. Abhishek Kumar Singh S/o Shri Lal Singh, R/o Staff Quarter Domanhill, Chirmiri, Post Sonamani, District Now M.C.B., Chhattisgarh

...Respondent(s)

For Appellant	:	Mr. Lokesh Kumar Singh, Advocate.
For Respondents/State	:	Mr. S.S. Baghel, Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Bibhu Datta Guru, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

09.06.2025

1. Heard Mr. Lokesh Kumar Singh, learned counsel for the appellant as well as Mr. S.S. Baghel, learned Deputy Government Advocate, appearing for the State on I.A. No. 1 of 2025, which is an application for condonation of delay.
2. After hearing the learned counsel for the parties and considering the reasons mentioned in the application, we are of the considered opinion that sufficient cause has been shown in the application and accordingly, I.A. No. 1 of 2025 is **allowed** and delay of 06 days in filing the appeal is condoned.
3. The present intra Court appeal has been filed by the appellant against the order dated **25.02.2025** passed by the learned Single Judge in **WPS No. 953 of 2017 (*Indrajeet Singh vs. State of Chhattisgarh & Others*)**, whereby the learned Single Judge has dismissed the writ petition filed by the appellant/writ petitioner herein.
4. Brief facts of the case are that the respondent No. 3 issued an advertisement dated 01.02.2016 (Annexure P/2 in the writ petition) for recruitment on the post of driver from the candidates residing in Surguja division in the light of the provisions appended thereto. The appellant applied for the post of the driver in pursuance of the said advertisement

wherein the appellant possesses higher and more specialized qualification *i.e.* High School, Higher Secondary Certificate, National Council for Vocational Training Certificate, Central Tool Room & Training Centre Certificate, Driving License, Residence Certificate, Identity Card, Experience Certificate, etc. Copies of the various certificates. Respondent No. 3 published merit list (Annexure P/4 in the writ petition) after scrutinizing the various applications of the eligible candidates wherein the appellant was at Sl.No. 4 after obtaining 28 marks out of total marks 50. On 25.05.2016, respondent No. 3 conducted a skill test and thereafter published a list of passed candidates in skill test wherein the appellant got place at Sl.No. 3. The respondent No. 3 published a Select List & Waiting List of 03 candidates wherein the respondent No. 5 has been selected and the present appellant was found his place in Waiting List. Copies of the Select List & Waiting List are annexed as Annexure P/5 in the writ petition. Thereafter, respondent No. 2 issued an appointment order dated 28.05.2016 (Annexure P/1 in the writ petition) whereby respondent No. 5 has been appointed on the post of driver in the office of respondent No. 2. On 30.05.2016 (Annexure P/6 in the writ petition), the present appellant put a preliminary objection letter before respondent No. 3 regarding selection process and overlooking by violating the provisions appended in the advertisement for the recruitment on the post of driver. Thereafter, the appellant preferred an application under RTI seeking information regarding recruitment process and also for obtaining status of its preliminary objection letter. Respondent No. 3 decided the preliminary objection raised by the appellant vide its order dated 20.06.2016 (Annexure P/7 in the writ petition). Thereafter, on 23.09.2016 (Annexure

P/8 in the writ petition), the appellant preferred an application under RTI seeking information regarding rules & regulations with respect to conduction of Skill test etc. before the Public Information Officer of respondent No. 3. Respondent No. 3 in reply of the appellant's application dated 23.09.2016, supplied some documents of recruitment process under RTI to the appellant. After carefully observing the documents (Annexure P/9 in the writ petition), the appellant got to know that respondent No. 3 had allotted total 25 marks to the candidates in Skill Test which is contrary to the provisions appended in the advertisement. Thereafter, by way of the RTI, the present appellant received his answer sheets as well as of the respondent No. 5 wherein some correction and manipulation is to be noticed. Copies of the answer sheets are annexed as Annexure P/10 in the writ petition.

5. Learned counsel for the appellant submits that the respondents are under constitutional obligation to consider and follow the governing statutory provisions for the present recruitment process. The respondents had allotted marks to the candidates out of total 25 marks in the Skill Test which is contrary to the provisions appended in the advertisement dated 01.02.2016 (Annexure P/2 in the writ petition). In the advertisement of recruitment for the post of driver, only conduction of Skill test is to be mentioned, but contrary to it, the respondent No. 4 had allotted marks to the candidates out of total 25 marks, which was not mentioned in the advertisement. He further submits that the appellant possessed a very good academic and other qualification including experience too rather than the other participated candidates, but the respondents had not paid any heed to recruit the present appellant. Further, the preliminary

objection of the appellant had not been considered and decided in its true spirit resulting to appoint respondent No. 5 by violating the provisions of the advertisement. The age of the appellant was was ought to be considered amongst the other candidates. Therefore, the order dated 28.05.2016 (Annexure P/1 in the writ petition) is liable to be quashed/set aside and respondent authorities are directed to appoint the appellant on the post of driver with all consequential benefits.

6. It is further contended by the learned counsel for the appellant that the objection of the appellant is that the respondent authorities had allotted marks out of total 25 marks to the candidates in skill test which is contrary to the provisions appended in the advertisement (Annexure P/2 in the writ petition). In the advertisement, recruitment for the post of driver, only conduction of skill test is to be mentioned. He also contended that it is clear from advertisement dated 01.02.2016 (Annexure P/2 in the writ petition) that for recruitment on the post of the driver, one post was advertised and the educational qualification required for the said post is passing of 8th class and alive driving license with respect to the four wheeler vehicle. Hence, the order passed by the learned Single Judge dated 25.02.2025 is untenable in the eyes of law and deserves to be quashed.

7. On the other hand, learned State counsel submits that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the appellant/writ petitioner, in which no interference is called for. It is further submitted by the learned State counsel that the advertisement dated 01.02.2016 (Annexure P/2 in the writ petition) was issued for various posts including the post of Driver. At

Sl.No. No. 2 of the advertisement, the educational qualification for the post of Driver was prescribed. The educational qualification required for the post of Driver is passing of 8th class and alive Driving License with respect to the four wheeler vehicle. The recruitment process has been prescribed at Sl.No. 4 of the advertisement. The entire selection process has been done by following the recruitment process mentioned in the advertisement and after due selection process, the merit list and the appointment order were issued in favour of respondent No. 5.

8. Learned State counsel further stated that the written examination was conducted wherein the appellant as well as respondent No. 5 participated and on the basis of the written examination, a merit list (Annexure P/4 in the writ petition) was prepared. It is clear from the perusal of the merit list (Annexure-P/4 in the writ petition), the name of the appellant appears at Sl.No. 3 wherein the appellant has obtained 28 marks out of 50 marks. Similarly, the name of respondent No.5- Abhishek Kumar Singh appears at Sl. No. 4 and he has obtained 28 marks out of 50 marks. Therefore, it is clear that both the participants have obtained equal marks in the written examination. No preference or additional marks has been given to anyone for having higher qualification than passing of 8th class. Therefore, the ground of the appellant that he possesses higher qualification than the respondent No. 5 *i.e.* of high school and higher secondary etc. is not tenable in view of the condition mentioned in the advertisement. The Skill test for the post of driver was conducted through the officials of the Transport Department and the result of the Skill test has been annexed as Annexure-P/9 (in the writ petition). It appears from perusal of Annexure-P/9 that the appellant obtained Grade-A and in the

remark column it has been mentioned that the appellant is pass whereas it is further clear from the document Annexure-P/9 that respondent No.5 Abhishek Kumar Singh has obtained AA Grade and in the remark column it has been mentioned that the respondent No. 5 is super pass and very good. So, on the basis of skill test, it is found that respondent No. 5 is more meritorious and suitable for the post of Driver and hence, the appointment order dated 28.05.2016 (Annexure-P/1 in the writ petition) has been issued by the respondent No. 2 and the said order is in accordance with law and as per the terms and conditions of the advertisement and there is no illegality or arbitrariness in the same. He further submits that the appellant filed objection before respondent No. 2 and selection committee considered all objections of the appellant and after due consideration, objection was rejected by the selection committee. It is clear that transparency has been maintained in the entire selection process and the selection process has been done in accordance with law. Selection committee has power to decide the total marks out of which a candidates should be given or allotted marks in the skill test even otherwise, the respondent No. 5 has secured better marks than the appellant.

9. We have heard learned counsel for the parties and perused the impugned judgment and materials available on record.

10. It is not disputed that respondent No. 2 issued an advertisement dated 01.02.2016 (Annexure P/2 in the writ petition) for various posts including the post of driver. Appellant and respondent No. 5 appeared in the selection process conducted for the post of driver which was mentioned in Sl. No. 2 of the advertisement (Annexure P/2 in the writ

petition). Main objection of the appellant is that the respondent authorities had allotted marks out of total 25 marks to the candidates in skill test which is contrary to the provisions appended in the advertisement (Annexure P/2 in the writ petition). In the advertisement, recruitment for the post of driver, only conduction of skill test is to be mentioned.

11. It is clear from advertisement dated 01.02.2016 (Annexure P/2 in the writ petition) that for recruitment on the post of the driver, one post was advertised and the educational qualification required for the said post is passing of 8th class and alive driving license with respect to the four wheeler vehicle. The conditions mentioned under recruitment process on the post of driver read as under:-

“वाहन चालक :-

1—‘ सामान्य ज्ञान के वस्तुनिष्ठ प्रकृति के 50 प्रश्न होंगे, प्रत्येक प्रश्न 01 अंक का होगा, बहु विकल्पों में से एक का चयन किया जाना है, एक से अधिक विकल्प पर चिन्ह लगाने पर उस प्रश्न के उत्तर 0(शून्य) अंक दिया जावेगा।

2— लिखित परीक्षा में प्राप्तांक के आधार पर मेरिट लिस्ट बनाई जावेगी।

3— 8वीं कक्षा से उच्चतम शैक्षणिक योग्यता पर शीर्ष अंक नहीं होगा।
(कोई अंक नहीं दिया जावेगा।)

4— वाहन चालन की कौशल परीक्षा संबंधित अधिकारियों के माध्यम से ली जावेगी, जिसमें सफल होना अनिवार्य है। परन्तु मात्र कौशल परीक्षा चयन का आधार नहीं होगा।”

12. Upon perusal of the entire documents, it is clear that the appellant and respondent No. 5 obtained 28 marks out of 50 marks in written test as

per Annexure P/4 (in the writ petition). As per Annexure P/9 (in the writ petition), in skill test, the appellant obtained Grade-A and in the remark column it has been mentioned that the appellant is pass whereas respondent No. 5/Abhishek Kumar Singh obtained AA Grade and in the remark column it has been mentioned that the respondent No. 5 is super pass and very good. As per Annexure R/1 (in the writ petition), total score of respondent No. 5/Abhishek Kumar Singh is 43 and appellant/Indrajeet Singh is 38. It is also clear that the objection of the appellant was duly considered by the selection committee and thereafter, the same was rejected.

13. It is evident from the documents that another candidate namely, Pradip Kumar Gupta also got marks similar to the appellant, but appellant did not made him party in the case. Also, as per skill test, respondent No.5 scored higher grade than the appellant and as per advertisement, minimum educational qualification is passing of 8th class and it is also clear from condition No. 4 mentioned in the advertisement (Annexure P/2 in the writ petition) that passing of skill test is mandatory and as per condition No. 3, no marks will be given for highest educational qualification from 8th class.

14. Appellant also filed the the answer-sheets before the learned Single Judge and respondents filed the original answer-sheets of the appellant and respondent No.5 and after perusal of the same, the learned Single Judge did not find any illegality or abnormality in examining the mark-sheets of appellant and respondent No. 5. Thus, it is clear that the whole selection process was conducted by the selection committee as per conditions mentioned in the advertisement and the learned Single Judge

did not find any illegality or irregularity in the selection process. Hence, the learned Single Judge does not find any good ground to interfere with the order dated 28.05.2016 (Annexure P/1 in the writ petition).

15. Considering the pleadings made in writ appeal, submissions advanced by the learned counsel appearing for the parties and also considering the findings recorded by the learned Single Judge while dismissing the writ petition filed by the respondent/writ petitioner, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error warranting interference by this Court.

16. Accordingly, the present writ appeal being devoid of merit is liable to be and is hereby **dismissed**.

**Sd/-
(Bibhu Datta Guru)
Judge**

**Sd/-
(Ramesh Sinha)
Chief Justice**