



CGHC010365972026



2026:CGHC:42273

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7105 of 2026

Tripti Bhuarya D/o Shri Hemant Kumar Bhuarya Aged About 27 Years R/o
61/c, Bhilai Risali Sector, Civic Centre Bhilai, Durg, Chhattisgarh.

... Petitioner

versus

- 1 - State of Chhattisgarh Through The Secretary, Department of Energy, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District- Raipur (C.G.)
- 2 - The Managing Director / Executive Director (HR), Chhattisgarh State Power Transmission Company Limited (Csptcl), Raipur (C.G.)
- 3 - The Managing Director / Chief Engineer (HR), Chhattisgarh State Power Distribution Company Limited (Cspdcl), Raipur (C.G.)
- 4 - The Managing Director / Executive Director (HR), Chhattisgarh State Power Generation Company Limited (Cspgcl), Raipur (C.G.)
- 5 - Chhattisgarh Professional Examination Board (Vyapam), Raipur, Through Its Controller / Secretary.

... Respondents

For Petitioner	:	Mr. Naveen Nirala, Advocate
For State	:	Mr. Sangharsh Pandey, GA

ASHUTOSH MISHRA
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Date: 2026.09.29 17:50:09 +0530

For Respondents No.2, 3 & 4	:	Mr. Mayank Chandrakar, Advocate
For Respondent No.5	:	Ms. Akanksha Singh, Advocate appears on behalf of Mr. Avinash Singh, Advocate

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

29/09/2026

1. The petitioner has filed the present writ petition seeking, inter alia, a direction to the respondents to issue a First Waiting List/Phase-II List in respect of the recruitment conducted pursuant to Advertisement No. 01-01/PD-03/4786 dated 15.09.2023 for the post of Junior Engineer (Electrical), and to consider the candidature of the petitioner against the vacancies which allegedly arose subsequently on account of non-joining/resignation of the selected candidates.
2. Learned counsel for the petitioner submits that pursuant to the aforesaid advertisement, the petitioner participated in the selection process and was shortlisted for document verification. It is submitted that subsequently several candidates selected pursuant to the recruitment process either did not join or resigned after joining the service, resulting in vacancies. The petitioner, therefore, claims consideration against such vacancies by preparation and operation of a waiting list.
3. Learned counsel appearing for the respondents oppose the petition and submit that the issue raised by the petitioner is no longer res integra and has already been considered and decided by this Court in W.P.(S) No. 7094 of 2026 & another connected matter vide order dated 26.09.2026.
4. Upon perusal of the record, this Court finds that the controversy

involved in the present writ petition is substantially identical to the issue which fell for consideration before this Court in W.P.(S) No. 7094 of 2026 and another connected matter. In the said matter, this Court, after considering the rival submissions and the applicable legal position, has recorded the following findings in paragraphs 10 to 14:

“10. It is also well settled that a candidate who has not been selected cannot claim appointment merely because a vacancy arises subsequently. More so, in the present case, the vacancies have not arisen due to non-joining of the selected candidates, but on account of their subsequent resignation after joining service. Such vacancies constitute subsequent vacancies and cannot, in the absence of any specific provision in the governing rules, be utilized for conferring an appointment upon the petitioners from the earlier selection process.

11. The contention of the petitioners based upon the alleged past practice of the respondents in issuing a waiting list also does not advance their case. No right can accrue in favour of the petitioners merely on the basis of an alleged past practice, particularly when the recruitment process in question has already attained finality and the validity period of the select list, as asserted by the respondents on the basis of the Board Resolution dated 22.08.2023, has also expired.

12. In view of the aforesaid discussion and the law laid

down by the Hon'ble Supreme Court, this Court is of the considered view that the petitioners have no enforceable right to seek issuance of a First Waiting List/Phase-II List or to claim consideration of their candidature against vacancies which have arisen subsequently on account of resignation of candidates who had already been selected, appointed and joined pursuant to the recruitment process in question.

13. Consequently, no ground is made out for issuance of any direction to the respondents to prepare or operate a fresh waiting list in respect of the recruitment process which stood concluded in the Year 2024. If the respondents intend to fill up the vacancies arising subsequently, the same shall be dealt with in accordance with the applicable rules and recruitment procedure.

14. As a sequel, both the writ petitions, being devoid of merit, are accordingly dismissed at the motion stage itself.”

5. The aforesaid findings squarely cover the controversy involved in the present writ petition. The petitioner has not been able to demonstrate any distinguishing feature which would warrant taking a different view in the present matter. The mere assertion regarding subsequent vacancies arising on account of resignation of candidates who had already joined service does not confer any enforceable right upon the petitioner to seek appointment from the earlier recruitment process or to seek preparation of a waiting list.

6. In view of the fact that the issue involved in the present petition has already been considered and decided by this Court in W.P.(S) No. 7094 of 2026 & another connected matter, and there being no distinguishing circumstance warranting a different conclusion, the present writ petition also deserves to be dealt with in the same terms.
7. Accordingly, the present writ petition is dismissed.

SD/-
(Bibhu Datta Guru)
JUDGE

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