



2026:CGHC:15985

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 2675 of 2021

- Govind Maskhare S/o Shri Mohan Lal Maskhare Aged About 50 Years R/o Janta Colony, Gudhiyari, Raipur (Chhattisgarh) District Raipur Chhattisgarh.
... **Petitioner**

versus

1. State Of Chhattisgarh Through The Secretary, Department Of Public Relations, Mahanadi Bhawan, Mantralaya, Nava Raipur, Atal Nagar District Raipur (Chhattisgarh)
2. Director Directorate Public Relations Indravati Bhawan, Mantralaya, Nava Raipur, Atal Nagar District Raipur (Chhattisgarh)
3. Commissioner Public Relations Directorate Public Relations Indravati Bhawan, Mantralaya, Nava Raipur, Atal Nagar District Raipur (Chhattisgarh)
... **Respondent(s)**

For Petitioner	: Mr. Jitendra Pali, Advocate
For State	: Mr. Keshav Gupta, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

08.04.2026

1. By way of this petition, the petitioner has sought the following relief(s):-

“10.1 To kindly call for the records of the case from the respondents.

10.2 To kindly direct the respondents to modify/amend the order of appointment of the petitioner dated 23/12/2016 by treating him as unreserved category candidate.

10.3 To kindly restrain the respondents treating the petitioner as the selected candidate belongs to Other Backward Category, as the same is violative of Articles 14, 16 and 21 of the Constitution of India.

10.4 To kindly direct the respondents to release the unpaid salary to the petitioner from January 2018 with 18% interest and allowed him to work as Data Entry Operator as unreserved category candidate.

10.5 To kindly direct the respondents to grant all consequential benefits to the petitioner including placing him at appropriate position in the gradation/seniority list.

10.6 To kindly make any other order that may be deemed fit and just in the facts and circumstances of the case including awarding of the costs to the petitioner.”

2. Facts in brief are that initially petitioner was appointed on contract basis as Communication Assistant on fix salary of Rs. 3,000/- per month in the department of Public Relations, Government of Chhattisgarh. He worked there from year 2000 to 2015(as informed by counsel for the petitioner). An advertisement was issued on 05.02.2009 for directed recruitment on the post of Data Entry Operator. There were 6 posts for unreserved category out of 12. The upper age limit for said post was 35 years as on 01.01.2009. The petitioner submitted his application as a member of Other Backward Class. According to one of the conditions enumerated in advertisement, the candidates who have worked as contractual employee would get age relaxation for the period they have worked on contract. The petitioner participated in the recruitment process and finally he was selected. His name appears at serial No. 5 of the merit list as he secured 51.7 marks. The selection committee notified the petitioner as member of Other Backward Class.
3. Mr. Jitendra Pali, Advocate would submit that though the petitioner applied for the said post as a member of Other Backward Class, but he never availed any benefit of said category, and therefore, the respondent authorities ought

to have selected and appointed him as a candidate of unreserved category. He would submit that an affidavit has been filed by the State Government pursuant to order passed by this Court dated 29.04.2025, wherein it is categorically stated that “*the maximum age limit was prescribed 38 years (35 years minimum as 01.01.2009 and 3 years of age relaxation for reserved category candidate). Since petitioner failed to produce the social status certificate of OBC category which has been issued by the competent authority of State of Chhattisgarh, therefore, no age relaxation was granted to him being OBC category candidate.*” He would submit that a direction may be issued to the respondent authorities to treat the petitioner as candidate of unreserved category. He has placed reliance on the judgment passed in the matter of *Nitin Ramekar vs. State of Chhattisgarh & Another* passed in *WPS No. 1994 of 2009*.

4. On the other hand, Mr. Keshav Gupta, would oppose. He would submit that the petitioner applied for the post of Data Entry Operator as candidate of Other Backward Class, and therefore, he has been notified in the merit list as candidate of Other Backward Class. He would submit that the petition filed by the petitioner appears to be misconceived and deserves to be dismissed.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. The Coordinate Bench while dealing with the similar issue in the matter of *Nitin Ramekar* (supra) held that *if a reserved category candidate finds place in unreserved category i.e. general, he has to be treated in accordance with their merit in the select list*. Relevant para 7, 8 and 9 is reproduced herein-below :-

*“7. It is a trite law that if a reserved category candidate finds place in unreserved category i.e. general, he has to be treated in accordance with their merit in the select list. They cannot be thrown back in the list for reserved category. (See **R.K.Sabharwal & Others v. State of Punjab & Others**¹).*

8. The Supreme Court, in *Rajesh Kumar Daria v. Rajasthan Public Service Commission & Others*², observed as under:

"9.....Where a vertical reservation is made in favour of a Backward Class under Article 16(4), the candidates belonging to such Backward Class, may compete non-reserved posts and if they are appointed to the non-reserved posts on their own merit, their number will not be counted against the quota reserved for respective Backward Class....."

9. Further, in *Bihari Lal Rada v. Anil Jain (Tinu) & Others*³, the Supreme Court while dealing with the definition of general category, observed as under:

"40..... The expression "belonging to the general category" wherever employed means the seats or offices earmarked for persons belonging to all categories irrespective of their caste, class or community or tribe. The unreserved seats euphemistically described as general category seats are open seats available for all candidates who are otherwise qualified to contest to that office.

41. The word "general" is derived from Latin word genus.

.....It relates to the whole kind, class, or order....Pertaining to or designating the genus or class, as distinguished from that which characterizes the species or individual; universal, not particularized, as opposed to special; principal or central, as opposed to local; open or available to all, as

1(1995) 2 SCC 745

2 (2007) 8 SCC 785

3 (2009) 4 SCC 1

opposed to select; obtaining commonly, or recognised universally, as opposed to particular, universal or unbounded, as opposed to limited; comprehending the whole or directed to the whole, as distinguished from anything applying to or designed for a portion only. Extensive or common to many."

(See Black's Law Dictionary, 6th Edn.)"

7. An affidavit has been filed by the State wherein it is categorically stated that the petitioner did not submit social status certificate of OBC category, therefore, age relaxation was not extended to him. It is also apparent that the petitioner has not availed any benefit of Other Backward Class category. He secured 51.7 marks and his position was 5th in the merit list, whereas, there were total 6 posts for unreserved category, therefore, he was rightly placed at serial No. 5 in the merit list, but he should have been treated as candidate of General category instead of Other Backward Class as he was selected against the post kept for unreserved category. Accordingly, this petition is **allowed**. Respondents shall treat the petitioner as candidate of unreserved category.

Sd/-
(Rakesh Mohan Pandey)
JUDGE