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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2291 of 2009**

Amit Kumar Singh S/o Shri Ramnarayan Singh, aged about 25 years, R/o Godhanpur, Post Fundurdihari, Ambikapur, District Surguja, Chhattisgarh.

---- Petitioner**Versus**

- 1.State of Chhatisgarh, Through Secretary, Panchayat and Gramin Vikas Vibhag, DKS Bhawan, Raipur, District Raipur, Chhattisgarh.
- 2.The Collector, Surguja, Ambikapur, District Surguja, Chhattisgarh.
- 3.Janpad Panchayat, Balrampur, Through Chief Executive Officer, Janpad Panchayat, Balrampur, District Surguja, Chhattisgarh.
- 4.Chief Executive Officer, Janpad Panchayat, Balrampur, District Surguja, Chhattisgarh.
- 5.Zila Panchayat, Surguja, Through its Chief Executive Officer, Zila Panchayat, Surguja, District Surguja, Chhattisgarh.
- 6.Block Education Officer, District Surguja Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Shakti Raj Sinha, Advocate.
For Respondents/State	:	Shri Vinod Deshmukh, Deputy Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****16/10/2015**

1. Heard Learned Counsel for the Petitioner and the State.
2. The Petitioner was selected as Shiksha Karmi Grade III through written examination conducted by the Chhattisgarh Professional Examination Board. The appointment was made on 28.2.2009. Certain unsuccessful candidates made a complaint to the Collector with regard to illegalities and irregularities in appointment. The authorities conducted an ex-parte enquiry and came to the conclusion that errors have been committed in applying the reservation formula and terminated the appointment of the Petitioner.

3. Learned Counsel for the Petitioner submits that the reservation roster is operated by the Respondents. There is no allegation that the appointment was obtained by any fraud or collusion or that there was any ineligibility of the Petitioner otherwise. He cannot be visited with the consequences for the fault of others. The order of termination is apparently bad on the face of it for being in violation of principles of natural justice. In Writ Petition (S) No. 1724 of 2009, filed by another aggrieved by on similar grounds termination order was quashed on 30.7.2009, on the ground that principles of natural justice have not been followed.

4. Learned Counsel for the State submits from the counter-affidavit that appointment was contrary to law inasmuch as reservation roster had not been followed.

5. The Court is of the considered opinion that the reservation roster is operated by the State authorities and not by the Petitioner. He had no role to play if the reservation roster was not followed. If the appointments were made against reservation roster, the Respondents were required to simultaneously proceed against the officers who did not perform their duties properly despite being paid salary. It is not the case of the Respondents that the appointment was obtained by any fraud or collusion. The order of termination dated 28.2.2009 is held to be not sustainable. It is set aside but without prejudice to the rights of the Respondents afresh in accordance with law.

6. The writ petition is allowed.

Sd/-

(Navin Sinha)

CHIEF JUSTICE