

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 548 of 2015**

1. Smt. Punam Singh W/o Sri Neeraj Singh Aged About 26 Years R/o Kailash Nagar, Behind Of Fisheries Office, Police Station & Tahsil Dantewada, District Dantewada, C.G.
2. Krishna Kumar Sardul S/o Shri Pancham Singh Sardul Aged About 26 Years R/o Near Gayatri Mandir Dantewada, Police Station & Tahsil Dantewada, District Dantewada, C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Home Department, Mantralaya, Mahanadi Bhawan, New Raipur, C.G.
2. The Director Office Of Director Public Prosecution Indrawati Bhawan, Ivth Floor Police Station Rakhi, New Raipur, C.G.
3. Joint Director Office Of Public Prosecution, Jagdalpur, P.S. Jagdalpur, Distt. Jagdalpur, C.G.
4. Deputy Director Office Of Public Prosecution, Kanker, P.S. Kanker, District Kanker, C.G.
5. Deputy Director, Office Of Public Prosecution, Court Campus South Bastar Dantewada, District Dantewada, C.G.

---- Respondent

For Petitioners : Shri Abhishek Pandey, Advocate.
For Respondents : Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****09/09/2015**

1. The petitioners successfully competed in the recruitment of AG-III in the establishment of Deputy Director, Public Prosecution, Districts Kanker, Jagdalpur and Dantewada. A common recruitment was conducted for the posts which were available in the above 3 districts. A select list/merit list was published on 9.1.2014 wherein petitioner No.1 Smt. Punam Singh was placed as wait-listed candidate No.1 whereas petitioner No.2 Krishna Kumar Sardul was placed as wait-listed candidate No.2. On account of some posts lying vacant despite issuance of the appointment orders to the successful candidates in terms of their merit position, the petitioners were offered appointment on 13.10.2014 vide Annexure-P/3. Both the petitioners were posted in the office of Deputy Director, Prosecution, District Dantewada.
2. It is stated that the petitioners were not permitted to join in the office of Deputy Director, Prosecution Dantewada and the reasons for not allowing them to join were also not disclosed to them. In response to the application preferred by Petitioner No.1 under the Right to Information Act, it was informed that there is no complaint against her candidature.
3. Learned counsel for the petitioners would refer to the order passed by this Court in the matters of **Ku. Sunanda Dutta Vs. State of Chhattisgarh & Others** {WPS No.6056/2014, decided on 16.7.2015} and **Anoop Mishra Vs. State of Chhattisgarh** {WPS No.7569/2014, decided on 2.7.2015} to argue that once the appointment order has been

issued, the respondents should allow them to join.

4. Learned State counsel would draw attention of the Court to para-9 of the return to urge that an enquiry pertaining to recruitment process is pending before the Director General of Prosecution and further steps would be taken as soon as enquiry is completed.
5. It would appear that the respondents are not disputing the participation, selection and offer of appointment made to the petitioners. Their joining has been withheld only on account of some enquiry pending at the level of Director General of Prosecution. However, return is silent as to the nature of allegation or the nature of enquiry undertaken by the Director General of Prosecution. Ordinarily once offer of appointment is made, the candidate should not be refused to join on mere pendency of some complaint unless the same inherently destroys the eligibility or selection of the candidate.
6. Be that as it may, since it is stated in the return that some enquiry is pending, the writ petition is disposed of with a direction to the Director General of Prosecution i.e. respondent No.2, to complete the enquiry at the earliest, preferably within a period of 3 months from today. If nothing is found against the petitioners, they shall be allowed to join duties within or immediately after the said period.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve