

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1734 of 2015**

- Meenakshi Jaiswal W/o Shri Naveen Jaiswal Aged About 29 Years R/o Venkat Nagar Road, Pendra Road, P.S. Pendra Road, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through The Secretary, Urban Development Department, Mahanadi Bhawan, Mantralaya New Raipur Chhattisgarh
2. The Joint Director Arban Administration And Development, Bilaspur District Bilaspur Chhattisgarh
3. Nagar Panchayat Gorela, Through The Chief Municipal Officer Gorela Bilaspur Chhattisgarh
4. Smt. Chetna Soni R/o Ramesh Jewellers Housing Board Colony, Post Balco Nagar, District Korba Chhattisgarh

---- Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate
For Respondents-State	:	Shri Shashank Thakur, GA for the State
For Respondent No.3	:	Shri Basant Kaiwartya, Advocate on behalf of Shri Ashok Soni, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****01/09/2015**

1. Petitioner has preferred this writ petition seeking a direction to the respondents to appoint her as a Lecturer (English) (Nagriya Nikay).
2. Facts of the case, briefly stated, are that respondent No.3 Nagar Panchayat, Gorela issued advertisement on 17.06.2013 inviting applications for recruitment of Lecturer in different subjects and Assistant Teachers. The petitioner submitted her application for the post of Lecturer (English). At the end of the selection process, the Nagar Panchayat prepared merit list for the post of Lecturer (English) vide Annexure P-1. Similar merit list was prepared

for the post of Lecturer in other subjects and Assistant Teachers. Appointments have already been made for all other posts except the post of Lecturer (English). As per the merit list one Narendra Kumar Rathore was at serial No.1, the petitioner was at serial No.2 and the respondent No.4 Smt. Chetna Soni was at serial No.3. Narendra Kumar Rathore was declared disqualified, therefore, the petitioner and respondent No.4 remained in the contest.

3. As per the Chhattisgarh Shikshak (Nagriya Nikay) Samvarg (Recruitment and Conditions of Service) Rules, 2013 (for short 'the Rules, 2013') a screening committee has been constituted for scrutiny of the application forms of the candidates. This screening committee is enjoined to scrutinize all the applications and prepare a list. The Rules, 2013 prescribed for holding of written examination only when the committee decides to hold the same, otherwise appointment shall be made strictly on the basis of merit. When the Nagar Panchayat forwarded the list to the screening committee, the said committee sent the matter back to the Nagar Panchayat by recommending name of respondent No.4 for appointment on the post of Lecturer (English). The petitioner immediately raised an objection on the ground that since she has secured more marks and is more meritorious than respondent No.4, her candidature should not be ignored. After this objection was raised, the screening committee did not decide the matter.
4. From the return filed by respondent State as well as respondent No.3 Nagar Panchayat, Gorela, it would appear that no decision has yet been taken by the screening committee. It is the stand of the respondents that since more than one year has elapsed from the date of declaration of select list, the petitioner is not entitled for appointment because the period of validity of the list is over.

5. Rule 6 (7) (e) (x) of the Rules, 2013 provides for the period of validity of the select list together with the waiting list. It says, the selection list together with the waiting list shall be valid for one year after the declaration of the examination result or if selection is based on merit list, then the date of publication of the final list and new posts sanctioned or posts lying vacant because of any reason during the period may be filled by this waiting list.
6. In the case at hand, the select list was not finalized by the screening committee because the petitioner has raised objection and the return itself would indicate that the screening committee is yet to take decision. Validity period of one year would commence only when the select list is made final by the recruiting agency i.e. the screening committee in the case at hand. When because of any objection the list remains in abeyance, the period of one year would never commence, therefore, the objection raised by the respondents to the contrary has no substance.
7. In view of the above, since the Rule contemplates that the decision is to be taken by the screening committee and the matter is still pending at that level, it would be appropriate to direct respondent No.2 The Joint Director, Urban Administration and Development, Bilaspur, Chairman of the screening committee, to decide the matter at the earliest, preferably within a period of two months from the date of submission of certified copy of this order.
8. If the eventuality so arises, the aggrieved party would be at liberty to move before this Court afresh.

Sd/-

Judge
Prashant Kumar Mishra

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