

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 338 of 2015**

Dilip Singh Kanwar S/o Mahadev Singh, aged about 23 years, earlier posted as Dark Room Assistant, R/o village Karrapali PO Umroli PS & Tahsil Kartala, District Korba, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh, Through - its Secretary, Department of Health & Family Welfare, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh.
2. The Director, Medical Education (DME) Raipur, District Raipur, Chhattisgarh.
3. The Dean, Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, Chhattisgarh.
4. Deputy Director, Pt. Jawahar Lal Nehru Memorial Medical College, Raipur, Chhattisgarh.

---- Respondents

For Appellant	:	Shri Mateen Siddique, Advocate.
For Respondent/State	:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri P. Sam Koshy, J.

Judgment on Board

Per Navin Sinha, Chief Justice

16/07/2015

1. The present appeal arises from a common order dated 7.5.2015 dismissing Writ Petition (S) No. 1747 of 2015 and analogous cases including Writ Petition (S) No. 1761 of 2015. The Learned Single Judge declined to interfere with the order dated 14.2.2014 cancelling the advertisement dated 1.10.2012 for recruitment on the post of Radiographer and Dark Room Assistant on the ground that the irregularities and illegalities in the selection process were all pervasive.

2. Learned Counsel for the Appellant sought to persuade us that Writ Petition (S) No. 1761 of 2015 giving rise to Writ Appeal No. 321 of 2015, related to a challenge made by persons who were applicants for the post of Radiographer. The present Appellant was an applicant for the post of Dark

Room Assistant and there is nothing on record to suggest any illegality in the selection of Dark Room Assistant.

3. Learned Counsel for the State has opposed the appeal submitting that the selection process was common for both Radiographers and Dark Room Assistant under a common advertisement. This Court, in Writ Appeal No. 321 of 2015, inter alia, after examining the report of a three men committee dated 13.1.2014 has held that the illegality in the selection process was all pervasive. The contention of the Appellant therefore merits no consideration.

4. In Writ Appeal No. 321 of 2015, we have already held that the illegalities noticed in the report of the three men committee dated 13.1.2014, for reasons discussed therein, ran across the entire spectrum of the selection process and it was not possible to identify individual beneficiaries. If the advertisement was common and the selection process was common for both the posts, we regret our inability to reconsider the pleas of Appellant in view of our order dated 30.6.2015 in Writ Appeal No. 321 of 2015.

5. For like reasons discussed in Writ Appeal No. 321 of 2015, the present appeal is also dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE