

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 398 of 2015**

Ku. Jabarani Mandal, Aged about 42 years, D/o Naren Mandal, R/o P.V. 41,
Pakhanjoar, Tahsil Pakhanjore, District U.B. Kanker.

---- Appellant**Versus**

1. State of Chhattisgarh Through the Secretary, Education Department, New Mantralaya, Raipur, District Raipur.
2. Commissioner, Division Bastar Jagdalpur, Chhattisgarh.
3. Collector, District Uttar Bastar Kanker.
4. Chief Executive Officer, Janpad Panchayat Koyalibeda, District Uttar Bastar Kanker.

---- Respondents

For Appellant	:	Shri Parag Kotecha, Advocate.
For Respondent/State	:	Shri C.D.Singh, Additional Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Judgment on Board****Per Navin Sinha, Chief Justice****27/08/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 40 days in preferring the appeal. Having heard Learned Counsel for the parties and considering the duration, delay is condoned.
2. The present appeal arises from order dated 12.5.2015 dismissing Writ Petition (227) No. 293 of 2015. The Learned Single Judge declined to interfere with the order for termination of the Appellant as Shiksha Karmi Grade III on the ground that he had wrongly been awarded marks for experience and sports certificate as the experience certificate did not carry signature of the issuing authority and the sports certificate was of the District Level, contrary to the requirement of a State Level certificate. If the marks under the aforesaid heads were excluded to consider the eligibility, in that event, the Appellant lost her position in the select list.

3. Learned Counsel for the Appellant submits that the experience certificate was signed by the competent authority. Even if her sports certificate was not of the State Level, the Respondents ought to have put the Appellant on notice to comply with principles of natural justice and then passed appropriate orders. If any wrong marks had been awarded to the Appellant, the select list itself was required to be cancelled and fresh select list considering the *inter se* merit of the candidates all over again was required be issued.

4. Learned Counsel for the Respondents has opposed the appeal. It is submitted that there was no pleading in the writ petition and neither is there pleading in appeal that the experience certificate was signed by the competent authority. The Appellant does not dispute that she had produced District Level certificate and not of State Level as required. The Learned Single Judge has adequately considered the eligibility of the Appellant if marks given under the two heads were excluded and yet she could not be retained in the select list.

5. We have heard Learned Counsel for the parties.

6. Applicability of principles of natural justice will depend on the facts of a case. What natural justice will mean in a particular case will again depend on the facts of the case. Once it is not in dispute that the experience certificate was not signed and that the sports certificate furnished was of the District Level and not the State Level as required, no other and different conclusion than the present was possible even if the principles of natural justice was complied with.

7. We therefore find no reason to interfere with the order under appeal.

8. The appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE