

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**REVIEW PETITION NO. 148 OF 2015**

Sumit Prasad S/o Late Shri Dherendra Prasad, aged about 27 years,
R/o H-3-227, 1100 Qtrs., Arera Colony, Bhopal (M.P.)

... Petitioner**Versus**

1. Union of India, through General Manager, South Eastern Central Railway, Bilaspur, District Bilaspur (C.G.) 495004
2. Chief Personnel Manager, S.E.C. Railway, Bilaspur Division, Bilaspur (C.G.) 495004
3. Sr. Personnel Officer, S.E.C. Railways, Bilaspur Division, Bilaspur (C.G.) 495004

... Respondents

For Petitioner	:	Mr. B. Gopa Kumar and Mr. Sumit Romir Goyal, Advocates.
For Respondent-Railways	:	Mr. Abhishek Sinha, Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per NAVIN SINHA, C.J.****02/12/2015**

1. The present application seeks review of order dated 15.10.2015 passed in Writ Petition (S) No. 3749 of 2015 on the ground that there has been an apparent error on the face of it when it was not noticed that the Petitioner was selected twice against the sports quota in the discipline of Basketball during the period of 2010-11 and 2012-13 but could not be appointed on both occasions due to procedural lapses in approval of the panel attributable to the Respondents.

2. Learned Counsel for the Petitioner submits that inadvertently it could not be placed properly before the Court that on facts he was similarly situated as the Petitioner in Writ Petition (S) No. 3651 of 2015 and was entitled to similar relief. By inadvertence it appears to have

been presented before the Court that he was a candidate for selection process only in 2012-13.

3. Counsel for the Respondent-Railways points out that even if the Petitioner was a candidate recommended for appointment in the panel of 2011-12 and 2012-13, and the panel lapsed before implementation, the Petitioner did not protest and participated unsuccessfully in the fresh selection for sports quota in 2013-14. Any right that may have accrued to him by the earlier empanelment therefore stood waived. It was lastly submitted that the pleadings do not appear to be very clear whether the Petitioner had participated in the selection process both in 2011-12 and 2012-13 and was declared successful on both occasions, and appointment was denied due to lapsing of the panel for reasons attributable to the Respondents.

4. We have considered the submissions. The pleadings are difficult to accept or reject in their present form, but there appear to be seeds for verification of facts. If what is contended on behalf of the Petitioner be correct, his case would be covered by the discussion in Writ Petition (S) No. 3651 of 2015. In absence of clear and cogent pleadings we are not persuaded to pass a positive order to consider his candidature in accordance with observations and discussions in Writ Petition (S) No. 3651 of 2015.

5. The review application is disposed with the observation that the Respondents shall examine if the Petitioner was an empaneled candidate in the sports quota for the discipline of Basketball in the selection year 2011-12 and 2012-13. If he was an empaneled candidate and on both occasions appointments could not follow because administrative approvals were not forthcoming in time, his case would

stand covered by the discussion in Writ Petition (S) No. 3651 of 2015 and the Respondents would be obliged to accord him similar treatment as directed therein.

6. The fact that the Petitioner may have appeared in the fresh selection process in 2013-14, in the facts of the case, cannot be invoked by the Respondents to apply waiver for like reasons as discussed in Writ Petition (S) No. 3651 of 2015.

7. Let such consideration be done and final appropriate orders be passed within a maximum period of three months from the date of receipt and/or presentation of the copy of this order before the Respondents.

8. The review application is allowed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge