

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.157 of 2013**

1. Dilip Sharma, S/o Shri Umesh Kumar Sharma, aged about 21 years, R/o Mishra Gali Surajpur, Post Office, Police Station & Tahsil Surajpur, District Surajpur.
2. Dilip Kumar Sahu, S/o Late Brijesh Kumar, aged about 21 years, R/o Badkapara, Post Office, Police Station & Tahsil Surajpur, District Surajpur.
3. Bhupendra Rajwade, S/o Shri Shanker Ram, aged about 21 years, R/o Badkapara, Post Office, Police Station & Tahsil Surajpur, District Surajpur.
4. Krishna Kumar Sahu, S/o Ram Charitra Sahu, aged about 23 years, R/o Kailashpur, Post Office Kailashpur, Police Station & Tahsil Surajpur, District Surajpur.
5. Lok Narayan Rajwade, S/o Shri Sohaag Chandra Rajwade, aged about 25 years, R/o Badkapara, Post Office, Police Station & Tahsil Surajpur, District Surajpur.
6. Rajesh Kumar Dewangan, S/o Late Mahajan Dewangan, aged about 32 years, R/o Badkapara, Post Office, Police Station & Tahsil Surajpur, District Surajpur.
7. Suresh Kumar Thakur, S/o Shri Jagdish Prasad Thakur, aged about 33 years, R/o Village & Post Namadgiri, Police Station & Tahsil Surajpur, District Surajpur.

---- Petitioners**Versus**

1. State of Chhattisgarh, through Secretary, Finance & Planning Department/School Education Department, D.K.S. Bhawan, Raipur, District Raipur.
2. District Education Officer, Surajpur, District Surajpur.
3. Additional Commissioner (Tribal Welfare), Surajpur, District Surajpur.
4. Collector, Surajpur, District Surajpur.

5. Collector (Tribal Welfare), Jashpur, District Jashpur.
 6. Commissioner, Sarguja Division, Ambikapur, District Surguja.
- Respondents**

And

Writ Petition (S) No.774 of 2013

1. Shiv Kumar Yadav, S/o Shri Goverdhan Yadav, aged about 28 years, R/o Village Ghui, Post Office & Police Station Ramkola, Tahsil Prattappur, District Surajpur.
 2. Radhe Shyam Yadav, S/o Shri Harichand Yadav, aged about 33 years, R/o Village Satyanagar, P.O. Sirsi, Police Station & Tahsil Bhailyathan, District Surajpur.
 3. Pushpa Yadav, W/o Shri Radhe Shyam Yadav, aged about 29 years, R/o Village Satyanagar, P.O. Sirsi, Police Station & Tahsil Bhailyathan, District Surajpur.
 4. Raj Kumar Yadav, S/o Shri Goverdhan Ram Yadav, aged about 27 years, R/o Village Ghui, Post Office & Police Station Ramkola, Tahsil Pratappur, District Surajpur.
 5. Ram Sunder Yadav, S/o Shri Goverdhan Ram Yadav, aged about 39 years, R/o Village Ghui, Post Office & Police Station Ramkola, Tahsil Pratappur, District Surajpur.
- Petitioners**

Versus

1. State of Chhattisgarh, through Secretary, Finance & Planning Department/School Education Department, D.K.S. Bhawan, Raipur, District Raipur.
2. District Education Officer, Surajpur, District Surajpur.
3. Additional Commissioner (Tribal Welfare), Surajpur, District Surajpur.
4. Collector, Surajpur, District Surajpur.
5. Collector (Tribal Welfare), Jashpur, District Jashpur.
6. Commissioner, Sarguja Division, Ambikapur,

District Surguja.

---- Respondents

For Petitioners	: Shri Surfaraj Khan, Advocate.
For Respondents	: Shri Suvigya Awasthi, Panel Lawyer and Shri A.N. Pandey, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

27/11/2015

(1) Heard.

(2) The petitioners have filed these writ petitions praying for following reliefs, which states as under:-

10.1 That, this Hon'ble Court may kindly be pleased a suitable writ(s), order(s), direction(s) by canceling the written examination, for the post of Peon, which was held on 16.12.2012, or direct the respondent authorities to conduct re-examination, wherein the petitioners herein would be afforded an opportunity to appear in the said re-examination.

10.2 That, this Honb'le Court may kindly be pleased to call the entire records from the respondents authorities for its kind perusal;

10.3 Any other relief, which may be suitable in the facts and circumstances of the case, may also be granted.

(3) Learned counsel for the State filed the return stating

inter-alia that under the Chairmanship of the Additional Collector, a meeting was conducted regarding the matter of scrutiny and against total 110 posts of Peon, 7788 applications were received and after scrutiny, 6904 applications were found to be eligible and looking to the large number of application forms against total 110 vacant posts of Peon, the Scrutiny Committee has decided to call 10 candidates against one vacant post in the ratio of 1/10 and the present petitioners could not be reached in the same as they are below in the selected list and thereafter, appointments of 110 posts of Peon have been concluded and appointment orders have also been issued to the selected candidates.

(4) Mr. Surfaraj Khan, counsel appearing for the petitioners would submit that though in the present department, the applications were accepted by the Additional Collector, District Surajpur and order has been passed by Annexure R-1, but in respect of 254 posts of peon in the office of Additional Commissioner (Tribal Welfare), Surajpur and 233 posts of Peon in the office of Collector, Surajpur, but no decision was taken by the respondents for conducting the examination which has already been held on 16.12.2012.

(5) A bare perusal of the record would show that the

petitioners filed these writ petitions enclosing the advertisement dated 19.03.2012, in which, 110 posts were advertised for the post of peon and the learned counsel for the State has filed return clearly indicating that only 110 posts of Peon were subjected to recruitment, though the petitioners were in the selected list, but they could not be qualified as successful candidates and for appointment of 110 posts of Peon, examination has already been concluded. The petitioners have not filed any rejoinder controverting the statement made in the return.

(6) The next submission of the learned counsel for the petitioners is that one Umesh Kumar Ravi, who has secured less marks than the petitioners were allowed to appear in the examination.

(7) Mr. Suvigya Awasthi, learned State counsel submits that Umesh Kumar Ravi was allowed to appear in the examination for the post of peon by the order of this Hon'ble Court dated 14.12.2012 passed in WP(S) No. 5553/2012 and as such, no case of discrimination is made out.

(8) Even, the counsel for the petitioners have not filed any rejoinder to the return filed by the State in which, it has clearly been stated that the selection process of 110 posts of

peon have already been concluded.

(9) I do not find any merit in these writ petitions. Accordingly, the petitions deserve to be and are accordingly dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-