

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2627 of 2015

- Ravishanakr Vyas Diwakar S/o Shri D.P. Diwakar Aged About 35 years
R/o Village- Hariyarpur, Post Karesara, Chowki- Fasterpur, Mungeli,
Tahsil & District Mungeli (Chhattisgarh)

---- Petitioner

Versus

1. Chief Executive Officer, Zila Panchayat Mungeli District Mungeli
(Chhattisgarh)
2. The Chief Executive Officer, Janpad Panchayat Mungeli, District
Mungeli (Chhattisgarh)
3. The Commissioner, Bilaspur Division, Bilaspur (Chhattisgarh)
4. The Additional Commissioner, Bilaspur Division, Bilaspur
(Chhattisgarh)

---- Respondents

For Petitioner	Shri Rajnish Singh Baghel, Advocate
For Respondent/State	Shri Shashank Thakur, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

24/07/2015

1. With the consent of the learned counsel for the parties, the matter is
heard finally.
2. The writ petition is preferred against the interim order passed by the
Additional Commissioner, Bilaspur Division, Bilaspur refusing to grant
stay in favour of petitioner as also against the impugned advertisement
particularly Clause 18 thereof.

3. It is settled that the writ petition is not entertained against an interim order. The petitioner has been removed from the Office of Assistant Programmer, Janpad Panchayat Mungeli. Challenging the said order, he has preferred an appeal, which is pending consideration before the Additional Commissioner, Bilaspur Division, Bilaspur.
4. It is argued that during pendency of the appeal, the Chief Executive Officer, Jila Panchayat Mungeli has issued an advertisement mentioning in Clause 18 thereof that any person appointed under the MGNREGA Scheme or any other government scheme, who has been removed on allegation of misconduct, shall not be entitled to apply, therefore, the said clause offends petitioner's right to participate in the selection process.
5. Merely, because the petitioner has been removed on allegation of misconduct and is not entitled to compete, the advertisement cannot be declared as bad in law. No other ground has been urged to assail the advertisement.
6. In view of the foregoing, instead of interfering with the matter on merits, the writ petition is disposed of with a direction to the Appellate Authority to consider and decide petitioner's pending appeal, at the earliest, preferably within a period of one month from the date of submission of certified copy of this order. Depending upon the outcome of the appeal, the petitioner would be at liberty to move afresh.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala