

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 435 of 2015**

Smt. Urmila Nareti, aged about 40 years, W/o Shambhulal Nareti, By caste Gond, R/o Santoshipara, Bhanupratappur, District Uttar Bastar Kanker.

---- Appellant**Versus**

1. State of Chhattisgarh, Through the Secretary, Health Department, New Mantralaya, Raipur, District Raipur.
2. The Collector, District Uttar Bastar Kanker.
3. Chief Medical & Health Officer, District Uttar Bastar Kanker.
4. Khand Chikitsa Adhikari, Vikaskhand Durgukondal, District Uttar Bastar Kanker.
5. Smt. Kiran Naag C/o Shri Bhuvan Naag, Village Charbhatti, Post Umradah, Tahsil Narharpur, District Kanker.

---- Respondents

For Appellant	:	Shri Parag Kotecha, Advocat.
For Respondents/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****01/10/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 33 days in filing the appeal. Considering the explanation and the duration, delay is condoned.
2. The present appeal arises from order dated 19.6.2015 dismissing Writ Petition (S) No. 4522 of 2011. The Learned Single Judge declined to interfere with the order dated 29.4.2008 restraining persons like the Appellant from discharging duties pursuant to alleged joining dated 8.5.2008.
3. Learned Counsel for the Appellant submits that the enquiry with regard to the experience certificates was held behind her back in violation of

principles of natural justice. Her application form in column No. 3 specifically mentions that the experience certificate was enclosed. There was no illegality committed in her appointment. The Appellant had also made allegation of discrimination wherein certain others were allowed to submit the eligibility certificates at subsequent point of time which was denied to the Appellant.

4. Learned Counsel for the State opposing the appeal submitted that the Learned Single Judge had called for the original enquiry report and was satisfied on a finding of fact that the Appellant had never enclosed any experience certificate and had wrongly been granted marks for the same. The order calls for no interference.

5. We have considered the submissions.

6. Having perused the application form of the Appellant as enclosed to the writ petition, we return finding of entry No. 3 purportedly mentioning attachment of experience certificates is clearly suspect and appears to be in different hand writing from entries No. 1 and 2 and also from a different writing instrument with more thickness. The experience certificate relied upon in support of the same from one Dr. Anil Kumar relates both to the Gautam Hospital, Bhanupratappur for October 2006 and to Bhagwan Mahavir Samta Hospital, Dondilohara for the year 2004-2006. The documents are clearly suspect in its genuineness in absence of necessary pleadings that Dr. Anil Kumar during 2006 was working at both the places. We were inclined to hold further enquiry into the documents sought to be relied upon by the Appellant in a judicial proceeding but we refrain from doing so.

7. We do not find any merit in the appeal. It is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE