

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 877 of 2015

Lekh Raj Banjari S/o. Late Bhika
Ram Banjari Aged About 51
years Presently Posted As
Assistant Commercial Tax
Officer, Circle-3, Durg,
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh And Ors.
S/o Through Secretary,
Commercial Tax Department,
Mantralaya, Mahanadi Bhawan,
P.S. Rakhi, Tahsil Aarang, Naya
Raipur, District Raipur,
Chhattisgarh
2. Secretary, General
Administration Department,
Mantralaya, Mahanadi Bhawan,
Raipur, District Raipur,
Chhattisgarh
3. Commissioner, Commercial Tax
Department, Sales Tax Building,
Near Raj Bhawan, Civil Line,
Raipur, District Raipur,
Chhattisgarh
4. Public Service Commission
Through Its Chairman, Public
Service Commission, Shankar
Nagar, Raipur, District Raipur,
Chhattisgarh

---- Respondents

For Petitioner	:-	Shri C. J. K. Rao,
For Respondents	:-	Shri Rahul Tamaskar, PL

Hon'ble Shri Justice P. Sam Koshy

Order On Board

18/03/2015

1. The petitioner through the instant writ petition, has sought for writ in the nature of mandamus directing the respondents to consider the representation of the petitioner pertaining to fill all the backlog post of Schedule Caste category to the post of Assistant Commercial Tax Officer, and Commercial Tax Officer by conducting the regular DPC.

2. Counsel for the petitioner submits that since the petitioner has collected the note sheets under the Right to Information Act in which shows that there are nine backlog posts have vacant of the Assistant Commerical Tax Officer and if the DPC is conducted promptly the petitioner would be eligible for being considered for the DPC.

3. State Counsel at this juncture submits that the documents attached to the writ petition shows that from July, 2014, the note sheets shall be provided to the petitioner reflecting that the government has already taken steps for filling all the backlogs vacancies in the Schedule Caste category and as such no cause of action as on date has arisen from the petitioner to object before this Court by way of the writ petition.

4. Considering the facts and circumstances of the case, ends of justice would meet, in case if the writ petition is disposed of with an observation that the State Government shall consider the case of the petitioner also according to his individual eligibility and merits for the said post, if the case of the petitioner comes under the zone of consideration and the State Government shall conduct the regular DPC.

JUDGE