

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WRIT APPEAL NO. 114 OF 2016

- Saket Agrawal, aged about 25 years, S/o Shri Santosh Kumar Agrawal, R/o MIG-2, Mukut Nagar, Raipur Naka, Thana Mohan Nagar, District Durg (C.G.)

... Appellant

Versus

1. The State of Chhattisgarh, through Secretary, Commercial and Industry Department, Mantralaya Naya Raipur, District Raipur (C.G.)
2. Chhattisgarh Public Service Commission, through Secretary, Shanker Nagar Road, Raipur.
3. Controller of Examination, Chhattisgarh Public Service Commission, through Secretary, Shanker Nagar Road, Raipur.

... Respondents

For Appellant	:	Mr. Parag Kotecha, Advocate.
For Respondent 1	:	Mr. U.N.S. Deo, Government Advocate.
For Respondents 2 & 3	:	Mr. Y.C. Sharma, Advocate.

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

Judgment on Board

Per NAVIN SINHA, C.J.

15/03/2016

1. An office objection has been raised with regard to the maintainability of the appeal in view of proviso to Section 2 of the Chhattisgarh High Court (Appeal to Division Bench) Act, 2006 (hereinafter called 'the Act').
2. We have heard the Counsel for the parties.
3. The writ petition questioned an advertisement and the consequent selection process. It has been admitted for hearing, notice has been issued and further it has been ordered that any appointment on the post of Boiler Inspector would be subject to final outcome of the writ petition.

4. The proviso to Section 2 of the Act reads as follows:-

“2. Appeal to the Division Bench of the High Court from a judgment or order of one judge of the High Court made in exercise of original jurisdiction.–

(1) XXX XXX XXX

Provided that no such appeal shall lie against an interlocutory order or against an order passed in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.”

5. Since the writ petition has been admitted and an interim order has already been passed in favour of the Petitioner/Appellant there is no occasion for us to take up this appeal on merits and preempt any decision on the writ petition itself.

6. The appeal is dismissed as not maintainable.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge