

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 205 of 2016**

- Dr. Bijaya Ketan Sahu, S/o Shri Sahdev Sahu, Aged About 40 Years, At/ Po. - Danga, Via- Bardol, District Bargarh (Odisha) R/o Village Padhanpali Post Resham, P.S. Bheden, District Bargarh (Odisha)

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Health & Family Welfare, Mahanadi Bhawan, Naya Raipur, Administrative Block- A.D.- 1-1, New Secretariat Building, P.S. Rakhi, District Raipur (Chhattisgarh)
2. The Director, Ayurved, Yoga And Naturopathy, Unani Siddha & Homeopathy (A Y U S H) Directorate, G.E. Road, P.S. Civil Line Raipur (Chhattisgarh)
3. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road Raipur, District Raipur (Chhattisgarh)
4. Central Council Of Indian Medicine, A Statutory Body Under I M C C Act 1970, Ministry Of Ayush Government Of India, New Delhi, Jankpuri, New Delhi.
5. Dr. Balendra Singh, S/o. Shri Manroop Singh Aged About 37 Years R/o H.No. 12/221, Near Shri Ram School, Benisagar Panna (Madhya Pradesh), Presently R/o P W D LQ-1, Government Ayurved College Campus, G.E. Road Raipur, District Raipur (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri J.N.Nande, Advocate
For Respondent No.1 & 2	:	Shri U.N.S.Deo, G.A.
For Respondent No.3	:	Shri Ashish Shrivastava, Advocate.

**Hon'ble Shri Pritinker Diwaker &
Hon'ble Shri Inder Singh Uboweja, JJ.**

Order On Board By P. Diwaker, J.

29/04/2016

Heard.

2. In the writ petition, the challenge was made by the appellant/petitioner to the order dated 30.12.2015 passed by the Public Service Commission selecting respondent No.5 on

the post of Reader (Surgery) in the Health and Family Welfare Department.

3. Challenge of the appointment of the private respondent is mainly on the ground that respondent No.5 is disqualified for holding the said post as he is registered in the State of Madhya Pradesh as well as in the State of Chhattisgarh. The stand of the respondent before the writ Court was that holding of registration in two States is not a disqualification for a person to be selected on the post of Reader (Surgery) and thus the selection of private respondent is in accordance with law.

4. Learned Single Judge while considering all the provisions of law has held that unless disqualification has been prescribed specifically either in the Act or under the Rules and the said disqualification must have the legislative sanction, it cannot be held that the private respondent was not eligible to be selected as Reader (Surgery). I find no illegality in the order impugned because admittedly the appellant has failed to prove that any such disqualification is prescribed either in the Act or under the Rules.

5. This appeal has no substance and the same is accordingly dismissed at the admission stage.

Sd/-
(Pritinker Diwaker)
Judge

Sd/-
(I. S. Uboweja)
Judge