

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 4962 of 2016**

Nazamuddin S/o Kamruddin, Aged About 41 Years R/o Shankar Nagar, Road, Behind Jeevan Palaza Tarun Nagar, Raipur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh
2. Director, Health Services, Directorate Block-A Third Floor, Indrawati Bhawan, Naya Raipur, District Raipur Chhattisgarh
3. Chief Medical And Health Officer, Old Nursing Hostel D.K.S. Bhawan Premises, Raipur, District Raipur Chhattisgarh
4. D. Keshav Rao S/o D. Chennaiya, Posted As Driver At Community Health Center, Kabirnagar, Block Dharsiva, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For Respondent-State	:	Mr. Dilman Rati Minj, Dy. Govt. Advocate

Hon'ble Shri Manindra Mohan Shrivastava, J.**Order on Board****21/09/2016**

Heard.

1. The petition has been filed challenging the action of the respondent authorities whereby the respondent authorities have not granted age relaxation to the petitioner despite he being a green card holder and declared him ineligible for the post of driver and selected respondent No.4.

2. According to the petitioner, he being a green card holder is entitled to two years age relaxation and if that is given to the petitioner, he emerges more meritorious than respondent No. 4, who was appointed as driver vide order dated 27/02/2013.

3. On the face of the petition, the selection was completed on 27/02/2013 and appointment of respondent No. 4 was made while rejecting petitioner's candidature. After 3½ years, the petitioner has filed this petition assailing appointment of respondent No. 4.

4. Learned counsel for the petitioner sought to explain the delay by submitting that since January, 2014, the petitioner was making representation and in the month of November, 2015, vide memo dated 28/11/2015, the Dy. Director wrote to the Chief Medical and Health Officer to provide necessary information, therefore, the delay in filing the instant petition is liable to be condoned.

5. Learned State counsel opposes the prayer and submits that reason assigned by the petitioner is not adequate to condone the delay.

6. The petitioner seeks condonation of delay on the basis that he had been filing representation one after other and there is a correspondence made in November, 2015 seeking information from Chief Medical and Health Officer. I am afraid, the explanation offered by the petitioner is not sufficient to condone the delay. Respondent No. 4 was appointed way back on 27/02/2013. May be, the petitioner was making representation, but it is a well settled law that the repeated representations would not be treated as explanation for inordinate delay in approaching writ Court. Present is a case where respondent No. 4 was appointed as driver more than 3½ years prior to the date of filing of the instant

petition. At this stage, I am not inclined to examine the legality and validity of selection and appointment of respondent No. 4.

7. In this view of the matter, this petition is liable to be dismissed only on the ground of delay and laches. Accordingly, the petition is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge