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HIGH COURT OF CHHATTISGARH, BILASPUR**REVP No. 23 of 2016**

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Indira Gandhi Govt. College, Vaishali Nagar, Bhilai, Dist. Durg, Chhattisgarh

---- Petitioner**Versus**

- Dr. (Smt.) Gouri Verma W/o Shri M.K. Verma, Aged About 53 Years Occupation Service, Assistant Professor In Geography, Indira Gandhi Govt. College, Vaishali Nagar, Bhilai, Dist. Durg, Chhattisgarh, Civil & Revenue District Durg, Chhattisgarh

---- Respondent**And****REVP No. 29 Of 2016**

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Bhanupratapdev Govt. Post Graduation College, Kanker, Chhattisgarh

---- Petitioner**Vs**

- Dr. Dadulal (Dl) Patel S/o Shri Ramprasad Patel, aged about 55 years, Occupation Service, Assistant Professor In Geography, Bhanupratapdev

Govt. Post Graduation College Kanker, Chhattisgarh, Civil And Revenue District Kanker, Chhattisgarh

---- Respondent

And

REVP No. 30 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Government Vishwanath Yadav Tamaskar Degree Swasasi College, Durg, Chhattisgarh

---- Petitioner

Vs

- Dr. Goverdhan Singh Thakur S/o Shri Johoran Singh Thakur, Aged About 51 Years Occupation Service, Assistant Professor In Vanaspati Shastra, Govt. Vishwanath Yadav Tamaskar Degree Swasasi College, Durg, Chhattisgarh, Civil & Revenue District Durg, Chhattisgarh

---- Respondent

And

REVP No. 31 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Govt. College, Vaishali Nagar, Bhilai, Dist. Durg, Chhattisgarh

---- Petitioner

Vs

- Dr. Neeta Kumbhare W/o Baba Kumbhare, Aged About 46 Years
Occupation Service, Assistant Professor In Geography, Govt. College,
Vaishali Nagar, Bhiali, Dist. Durg, Chhattisgarh, Civil And Revenue
District Durg, Chhattisgarh

---- Respondent

And

REVP No. 32 Of 2016

1. State Of Chhattisgarh, Through The Secretary, Higher Education
Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur
District Raipur, Chhattisgarh
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan,
Naya Raipur, Raipur District Raipur, Chhattisgarh
3. Principal, Govt. E.V. P G College, Korba, Distt. Korba, Chhattisgarh

---- Petitioner

Vs

- Smt. Purnima Sahu W/o Er. Arvind Sahu, Aged About 51 Years R/o H.
No. 253, I C C Transport Nagar, Korba, Distt. Korba, Chhattisgarh, Pin
No. 495677

---- Respondent

And

REVP No. 33 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The
Department Of Higher Education Mahanadi Mantralaya, Naya Raipur
Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of
Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
3. The Principal, Government Degree College, Vaishali Nagar, Bhiali,
District Durg, Chhattisgarh

---- Petitioner

Vs

- Dr. Medani Singh (M S) Patel S/o Shri Tularam Patel, Aged About 47 Years Occupation Service, Assistant Professor In Commerce, Government Degree College, Vaishali Nagar, Bhilai, District Durg, Chhattisgarh, Civil And Revenue District Durg, Chhattisgarh

---- Respondent

And

REVP No. 34 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Bhanupratapdev Govt. Post Graduation College, Kanker, Chhattisgarh

---- Petitioner

Vs

- Dr. Leela Ram (L.R.) Sinha S/o Shri Gosai Ram Sinha, Aged About 51 Years Occupation Service, Assistant Professor In Economics, Bhanupratapdev Govt. Post Graduation College, Kanker, Chhattisgarh

---- Respondent

And

REVP No. 35 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. The Principal, Government N C J College, Dalli Rajhara, Dist. Balod, Chhattisgarh

---- Petitioner

Vs

- Dr. (Smt.) Alka R. Deo D/o Late Shri Y.S. Lall, Aged About 52 Years
Occupation Service, Assistant Professor In Political Science,
Government N C J College, Dalli Rajhara, Distt. Balod, Chhattisgarh,
Civil & Revenue District Balod, Chhattisgarh

---- Respondent

And

REVP No. 56 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The
Department Of Higher Education Mahanadi Mantralaya, Naya Raipur
Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of
Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
3. The Principal, Mahatma Gandhi Govt. Arts & Science College,
Kharsiya, Raigarh, Chhattisgarh

---- Petitioner

Vs

- Dr. Puran Lal Patel S/o Shri Sadhuran Patel, Aged About 49 Years
Occupation Service Assistant Professor In Political Science, Mahatma
Gandhi Govt. Arts & Science College, Kharsiya, Raigarh Chhattisgarh
Civil & Revenue District Raigarh, Chhattisgarh

---- Respondent

And

REVP No. 36 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The
Department Of Higher Education Mahanadi Mantralaya, Naya Raipur
Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of
Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
3. The Principal, Govt. E.V. Post Graduate College, Korba, Chhattisgarh

---- **Petitioner**

Vs

- Dr. Basant Kumar (B.K.) Patel S/o Shri Arjun Singh Patel, Aged About 56 Years Occupation Service, Assistant Professor In Commerce Govt. E.V. Post Graduate College Korba, Chhattisgarh, Civil & Revenue District Korba, Chhattisgarh

---- **Respondent**

And

REVP No. 37 Of 2016

1. State Of Chhattisgarh, Through The Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, Dist. Raipur, Chhattisgarh
3. Principal, Govt. Indru Kewat Girls College, Kanker, (P.O. & Tah.) Dist. Kanker, Chhattisgarh

---- **Petitioner**

Vs

- Jitendra Kumar Barle S/o Ramadhar Barle, Aged About 49 Years R/o Amrit Niwas, Ekta Nagar, Thelka Board, Kanker, Dist. Kanker, Chhattisgarh, Pin 494334

---- **Respondent**

And

REVP No. 38 Of 2016

1. State Of Chhattisgarh, Through The Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Principal, Govt. Pataleshwar College, Masturi, Tahsil And Post Office Masturi, Bilaspur Dist. Bilaspur, Chhattisgarh

---- **Petitioner**

Vs

- Dr. Kushuram Matawale S/o Late G.R. Matawale, Aged About 50 Years
R/o N V C- 17, Narmada Vihar, Yadunandan Nagar, Tifra, Bilaspur
4950001

---- **Respondent**

And

REVP No. 26 Of 2016

1. The State Of Chhattisgarh Through The Principal Secretary To The
Department Of Higher Education Mahanadi Mantralaya, Naya Raipur
Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of
Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur,
Chhattisgarh
3. The Principal, Govt. Jawahar Lal Nehru Post Graduation College,
Dongargarh, District Rajnandgaon, Chhattisgarh

---- **Petitioner**

Vs

- Dr. (Smt.) Asha Choudhary D/o Late Shri Dashrath Prasad Choudhary,
Aged About 50 Years Occupation Service, Assistant Professor In
History, Govt. Jawahar Lal Nehru Post Graduation College,
Dongargarh, District Rajnandgaon, Chhattisgarh, Civil & Revenue
District Rajnandgaon, Chhattisgarh

---- **Respondent**

And

REVP No. 39 Of 2016

1. The State Of Chhattisgarh, Through Principal Secretary To The
Department Of Higher Education, Mahanadi Mantralaya, Naya Raipur,
Post Office & Police Station Naya Raipur, Distt. Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of
Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur,
Chhattisgarh

3. The Principal, Govt. J. Yoganandan Chhattisgarh College, Raipur, Chhattisgarh

---- **Petitioner**

Vs

- Dr. Vasudev Sahasi S/o Shri T.S. Sahasi, Aged About 50 Years
Occupation- Service, Assistant Professor In History, Govt. J. Yoganandan Chhattisgarh College, Raipur, Chhattisgarh, Civil & Revenue District Raipur, Chhattisgarh

---- **Respondent**

And

REVP No. 40 Of 2016

1. State Of Chhattisgarh, Through Secretary, Higher Education Department, Secretariat, Mahanadi Bhawan, Naya Raipur, Raipur District Raipur, Chhattisgarh
2. Commissioner, Directorate Of Higher Education, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh
3. Principal, Govt. Girls P G Collage, Bilaspur, District Bilaspur, Chhattisgarh

---- **Petitioner**

Vs

- Dr. Usha Singh W/o Shri S.P. Singh, Aged About 49 Years R/o Shubham Vihar, Mungeli Road, District Bilaspur, Chhattisgarh

---- **Respondent**

And

REVP No. 41 Of 2016

1. The State Of Chhattisgarh, Through The Principal Secretary To The Department Of Higher Education Mahanadi Mantralaya, Naya Raipur Post Office & Police Station Naya Raipur District Raipur, Chhattisgarh
2. The Commissioner, Department Of Higher Education, Government Of Chhattisgarh, Indravati Bhawan, Naya Raipur, District Raipur, Chhattisgarh

3. The Principal, Govt. Naveen College, Jaijaipur, Distt. Janjgir-Champa, Chhattisgarh

---- **Petitioner**

Vs

- Dr. Phool Das Mahant S/o Late Shri Ghurbindas Mahant, Aged About 53 Years Occupation Service, Assistant Professor In Hindi Govt. Naveen College, Jaijaipur, District Janjgir-Champa, Chhattisgarh, Civil & Revenue District Janjgir-Champa, Chhattisgarh

---- **Respondent**

For Petitioners : Shri Shashank Thakur, Govt. Advocate.
For Respondents : Shri Dhani Ram Patel, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

12/07/2016

1. These Review Petitions arise out of order dated 22.9.2015 passed in a batch of writ petitions bearing WPS No.785/2015 (Dr. Phool Das Mahant Vs. The State of Chhattisgarh & Others) and other connected matters. The batch of writ petitions was disposed of in terms of the order passed by the Madhya Pradesh High Court in the matter of **Dr. Ramesh Chandra Dixit and Others Vs. State of M.P.** reported in 2012 (3) MPHT 86, which was affirmed by the Division Bench in the matter of **State of M.P. and another Vs. Dr. Ramesh Chandra Dixit**, reported in 2013 (IV) MPJR 123. The matter then travelled before the Supreme Court in SLP No.6269/2012 wherein the SLP was dismissed on 18.2.2015. When the matter in issue thus stood concluded, the

present batch of writ petitions was preferred seeking similar relief for similarly placed candidates who were also appointed in the same manner in the erstwhile State of M.P. prior to 1.11.2000 and were governed under the same set of rules. When this Court allowed the writ petitions, Writ Appeal No.698/2015 and other connected writ appeals were preferred wherein permission was granted to withdraw the appeals with liberty to file review applications. Liberty was granted when the arguing counsel made a reference to some pleading of facts in the counter affidavit which according to him have not been adequately taken into consideration.

2. Learned State Counsel arguing in support of the review applications would submit that as a result of the order under review, the writ petitioners who failed to clear the examination conducted by the PSC would come at par with such other candidates who have cleared the said examination and thus unequals will be treated as equals which is not permissible in law in view of the law laid down by the Supreme Court in **Secretary, State of Karnataka and others Vs. Umadevi (3) & others** {(2006) 4 SCC 1}.
3. It appears, this contention was raised and considered by this Court in para-11 of the order under review. Moreover, the order passed by the Madhya Pradesh High Court dealing with similarly situated emergency appointees governed under the same set of rules has been affirmed by the Supreme Court and there being no error apparent on the face of

record in the order under review, this Court is not entitled to permit the review petitioners to argue the matter afresh once again, as held by the Supreme Court in the matters of **Meera Bhanjan Vs. Smt. Nirmal Kumar Chowdhary**¹, **Lily Thomas etc. Vs. Union of India and others**², **Ajit Kumar Rath Vs. State of Orissa and others**³, **Government of T.N. & Others Vs. M. Ananchu Asari and Others**⁴ and **Kerla State Electricity Board Vs. Hitech Electrothermicism & Hydropower Ltd and Others**⁵.

4. For the foregoing, all the Review Petitions are dismissed.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 (2005) 2 SCC 332
5 (2005) 6 SCC 651