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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 3380 of 2013**

1. Ravi Kumar Gupta S/o Shri Dinesh Gupta, Aged About 27 Years R/o Gupta Para, Ward No. 4 Village Dhamdha, P.O. & P.S. Dhamdha, Dist. Durg, C.G. Pin 491331
2. Suresh Kumar S/o Shri Kusleshwar Prasad, Aged About 27 Years R/o Dhimar Chowk, Ward No.3, Po & Ps Dhamdha, Dist. Durg C.G. Pin 491331
3. Ku. Neelima Sahu D/o Shri Jagdish Kumar Sahu Aged About 24 Years Village Sohpur, Post Nipani, P.S. Gurur, Dist. Balod C.G. Pin 491227
4. Amit Kumar Sahu S/o Shri Sewa Ram Sahu Aged About 25 Years R/o Raj Kirana Store, Sirsa Road, Arya Nagar, Kohoka, P.O Supela, P.S. Supela, Bhilai, Dist. Durg, C.G. Pin 490023
5. Devendra Kumar Anant S/o Shri C.R. Anant, Aged About 29 Years R/o Village & Post Bhedwon, P.S. Sarangarh, Dist. Raigarh, C.G. Pin 496450
6. Smt. Vinita Vaishnav, W/o Shri Prashant Vaishnav, Aged About 30 Years R/o Mamta Nagar, Anand Vihar Colony, Street No.5, P.O. & P.S. Rajnandgaon, Dist. Rajnandgaon, C.G. Pin 491441
7. Smt. Sangeeta Yadu, W/o Sunil Yadu, Aged About 31 Years R/o Village Bhelawadih, P.O. Uparawara, ;P.S. Abhanpur, Dist. Raipur, C.G. Pin 493661
8. Girdhari Patel S/o Shri Sitaram Patel Aged About 26 Years R/o Village Bhelawadih, P.O. Uparawara, ;P.S. Abhanpur, Dist. Raipur, C.G. Pin 493661
9. Shankar Lal Sahu S/o Shri Johat Lal Sahu Aged About 30 Years R/o Village Satapara, Post

Kondapar, Tahsil & Thana Abhanpur, Dist. Raipur
C.G. Pin 493661

10. Ku. Divya Ranoo D/o Shri Feruram Baghel,
Aged About 23 Years R/o Village Arjuni Post
Gorkapar, P.S. Gunderdahi Dist. Balod, C.G. Pin
491223
11. Ku. Sandhya Tigga, D/o Shri Phillips Tigga,
Aged About 24 Years R/o Q.No. F-1345, Everest
Vihar, C.S.E.B. Colony, Darri Korba West, Po &
Ps Darri Dist. Korba, C.G. Pin 495451
12. Ashwani Kumar Sahu S/o Shri Dulari Ram
Sahu Aged About 30 Years R/o Village
Bindhyasar, Post Bahatarai (Sakri) Thana Hirri,
Tahsil Takhatpur, Dist. Bilaspur C.G. Pin 495001
13. Ku. Madhvee, D/o Shri Jagdish Kumar Sahu
Aged About 25 Years R/o Village Sohpur, Post
Nipani, P.S. Gurur, Dist. Balod C.G. Pin 491227
14. Ku. Bhageshwari Verma D/o Shri Kisun
Verma Aged About 23 Years R/o Nagar
Panchayat Sargaon, Thana Hirri, Tahsil Pathariya,
Dist. Muingeli C.G. Pin 495224
15. Ku. Leena Dewangan D/o Shri Bharat Lal
Dewangan Aged About 23 Years R/o Bharat Cloth
Shop, Fingeshwar Road, Shri Ram Chowk, Thana
Rajim, Dist. Gariyabandh, C.G. Pin 493885
16. Ku. Tarini D/o Shri Daman Lal Sahu Aged
About 25 Years R/o Ward No. 3, Village & Post
Akhara, Thana Patan, Tahsil Patan, Dist. Durg
C.G. Pin 491111
17. Maan Singh Sahu S/o Shri Bisambhar, Aged
About 31 Years R/o Nagar Panchayat Bhakhara,
Post Bhakhara, Tahsil Kurud, Dist. Dhamtari C.G.
18. Dakeshwar Kumar, S/o Shri Yadram Sahu,
Aged About 26 Years R/o Village Sakari, Post
Chandi, Block Abhanpur, Dist. Raipur, C.G. Pin
493661

19. Ku. Rajeshwari, D/o Shri Bharat Lal Aged About 24 Years R/o Q.No. 21/E, Street 12, Sector 2, P.S. & P.O Bhilai Nagar, Dist. Durg, C.G. Pin 490001
20. Ku. Ashwani Ghritlahare, D/o Shri Chandrabhan Ghritlahare Aged About 29 Years R/o Jhulana Khurd, Post Kodwani, P.S. Kodwani, Tahsil Mungeli Dist. Mungeli, C.G. Pin 495334
21. Ku. Gayatri Verma D/o Shri Narsingh Aged About 24 Years R/o Village Thakurtola Post Mudiya-Mohra, Tahsil & Thana Dongargarh, Dist. Rajnandgaon C.G.
22. Nandu Singh Thakur S/o Jiram Singh Thakur Aged About 35 Years R/o Village Khapari, Post Odiyakhurd, Block Lohara, Tahsil & Dist. Kabirdham, C.G. Pin 491995
23. Smt. Jaya Gotekar W/o Shri Praveen Gotekar Aged About 31 Years R/o Panchsheel Colony Mamta Nagar, Gali No.5 Ward No.17, Rajnandgaon C.G. Pin 491441

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Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Ministry, Mahanadi Bhavan, New Raipur, Dist. Raipur C.G.
2. The Secretary, Department Of School Education Ministry, Mahanadi Bhawan, New Raipur, Dist. Raipur C.G.
3. The Collector Dist. Durg, P.S. & P.O. Durg, C.G.
4. The Chief Executive Officer, Dist. Panchayat Durg, P.S. & P.O. Durg, Dist. Durg, C.G.

---- Respondents

For Petitioners	:	Shri A.D. Shrivastava, Advocate
For Respondents No. 1 to 3	:	Shri Y.S. Thakur, Dy. Advocate General
For Respondent No. 4	:	Shri R.S. Baghel, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

06/01/2016

(1) Invoking writ jurisdiction of this Court under Article 226 of the Constitution of India the petitioners herein, who are selected candidates for the post of Teacher (Panchayat)/Librarian, have filed this writ petition complaining that though the select list has been prepared and approved by the General Administrative Committee of District Panchayat, Durg, select list is not being declared and published and, therefore, they are deprived of their selection and appointment and, therefore, appropriate writ/writs be issued directing the respondents authorities to conclude the recruitment process expeditiously.

(2) Return on behalf of respondents No. 1 to 3 has

been filed stating *inter alia* that there is a discrepancy between pay scale mentioned in advertisement issued and the rules governing recruitment, therefore, it is pending consideration; similar return has been filed by respondent No. 4, who is the recruiting authority, stating that on account of discrepancy pointed it out by the Chief Executive Officer, Zila Panchayat, Durg to the State Government, recruitment could not be completed within time indicated in the advertisement.

(3) Mr. A.D. Shrivastava, learned counsel appearing for the petitioners would submit that recruitment process for subject posts were commenced as back as on 7.12.2012 and merit list was duly prepared after following due procedure of law and which has also been approved by the General Administrative Committee of Zila Panchayat, Durg way back on 29.07.2013 but neither select list was declared and published nor reason has been assigned for the delay in concluding the recruitment process; and such delay in concluding the recruitment process is arbitrary and smacks malafide. Apart from this, there is no such discrepancy in the rules and the advertisement so far as it relates to

pay scale is concerned and, therefore, a direction may be issued to the respondents authorities to conclude the recruitment process expeditiously.

(4) On the other hand, learned counsel for the respondents would submit that on account of above-stated discrepancy, which is pending consideration before the State Government, recruitment process could not be concluded.

(5) I have heard learned counsel for the parties and considering the rival submissions made therein and perused the material available on record with utmost circumspection.

(6) It is not in dispute that recruitment process for the post of Assistant Teacher (Panchayat)/Librarian was initiated on 7.12.2012 and, thereafter, after due exercise, merit list was prepared by respondent No. 4 after following due procedure of law and which has also been approved by General Administrative Committee of Zila Panchayat, Durg way back on 29.07.2013 subject to certain conditions but neither select list has been declared and published nor any further action has been

taken to conclude the recruitment process, which compelled the petitioners to file instant writ petition on 02.10.2013.

(7) The Question that falls for consideration would be as to whether respondents particularly respondent No. 4 is justified in not concluding the recruitment process within a period of last three years ?

(8) Question of delay in concluding selection & appointment within the reasonable time came up for consideration before the Supreme Court in the matter of **Naushad Anwar & others Vs. State of Bihar & others**¹, in which their Lordships of the Supreme Court have held that selection process should be completed within the reasonable time and deprecated practice of the State Government not to conclude the recruitment process within the reasonable time and held in para 19 as under:-

“19. We are anguished by the very thought of the selection procedure dragging on for as long as four years between 2008 and 2012. Such inordinate delay and indolence is totally undesirable not only because it violates the fundamental rights of candidates who have qualified for appointment during the intervening period but also because it depicts a complete

1 (2014) 11 SCC 203

failure on the part of all concerned in regulating the selection and appointment process with a view to ensuring that the same is fair, objective and transparent. We cannot help saying that several questions have bothered us in regard to the selection process itself which leaves much to be desired but since there is no challenge to the selection or the appointment made pursuant thereto, we refrain from making any observation in regard to those aspects. All that we need say is that the selection and appointment of such a large number of employees under the local bodies ought to have been conducted in a more orderly fashion and more importantly the same should have been completed within the time-frame stipulated for the purpose or such reasonable extension thereof as may have become absolutely inevitable. A selection process that lingers on for years can hardly measure up to the demands of objectivity, fairness and transparency especially when the method by which *inter se* merit of candidates was determined is neither stipulated in the Rules nor any guidelines issued for the Selection Committee to follow have been placed before us.”

(9) Aforesaid decision rendered by the Supreme Court squarely applies to the factual matrix of the present case. Recruitment process having been commenced by issuance of advertisement on 7.12.2015 and merit list having been prepared, which has also been approved by the General Administrative Committee of Zila Panchayat, Durg way back on 29.07.2013, there is no reason apparent on the face of record not to conclude the recruitment proceeding for the last three years and in-action on the part of the respondents, particularly

respondent No. 4 is writ large. Accordingly, applying the ratio of law laid down by the Supreme Court in the above referred case i.e. **Naushad Anwar** (supra), to the facts of the present case, it is directed that respondents shall take a final decision with regard to pending recruitment of Teacher (Panchayat)/librarian expeditiously in accordance with law preferably within a period of three months from the date of production/receipt of this order.

(10) With the aforesaid observations, the writ petition stands finally disposed of.

(11) It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to take decision on its own merit in accordance with law.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-