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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (PIL) No. 48 of 2017**

Akhil Bhartiya Manvadhikar Nigrani Samiti, through Smt. Jaishree Tikariya W/o Bhishm Tikariya, President, Age 50 years, R/o Qtr. No. L-176, Yadunandan Nagar, Tifra Tahasil and District Bilaspur, (Chhattisgarh)

---- Petitioners**Versus**

1. State of Chhattisgarh, Through Secretary, Department of Medical Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Collector, District Bilaspur, Chhattisgarh.
3. Director, Medical Education, DKS Bhawan, Behind Old Nursing Hostel, Raipur, District Raipur, Chhattisgarh.
4. Dean, Chhattisgarh Institute of Medical Sciences, Bilaspur, District Bilaspur, Chhattisgarh.
5. Medical Superintendent, Chhattisgarh Institute of Medical Sciences, Bilaspur, District Bilaspur, Chhattisgarh.
6. Shri K.D.Kunjam, Chairman, Inquiry Committee, Collectorate, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	: Shri Salim Kazi, Advocate.
For Respondent/State	: Shri A.S.Kachhwaha, Additional Advocate General.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri P Sam Koshy, J.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****29/03/2017**

1. This petition is styled as public interest litigation. We have heard learned counsel for the Petitioner.
2. The attempt is to show that in class III and class IV sector in the Chhattisgarh Institute of Medical Sciences, Bilaspur (for short 'the CIMS'),

people are being brought in after massive termination of contract recruits.

3. Going by the well settled principles relating to public interest litigation in service matters including the judgment rendered by the Hon'ble Supreme Court of India in *Duryodhan Sahu & Others v. Jitendra Kumar Mishra & Others* {(1998) 7 SCC 273} and the judgments which followed it, public interest litigation is not to be entertained in service matters. We are unable to take the view that the contract appointees in class III and class IV sectors do not have the wherewithal and economic ability to access the judicial system for relief in any individual cause of action. We also do not see that the Petitioner can push through a roving enquiry under the guise of a public interest litigation.
4. This writ petition cannot be considered as a public interest one in any view of the matter, having regard to the guidelines issued by the Hon'ble Supreme Court of India, though, we may not criticize it as one which is a camouflage to protect the rights of those contract recruits who are to go out on the basis of government decision. Hence, leaving open the rights of any person who is entitled relief on individual basis, this writ petition is dismissed. We however record the submission of the learned counsel for the Petitioner that an enquiry was instituted and in that, no final report has been made.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE