

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 3345 of 2006**

Smt. Meena Sharma, W/o Shri R.K. Sharma, Aged about 44 years,
R/o Vishrampur, Near Ruchika General Store, Sarguja, C.G.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through its Secretary, Department of Panchyat, D.K.S. Bhawan, District- Raipur, Chhattisgarh.
2. State of Chhattisgarh, Through its District Magistrate, District-Sarguja, Chhattisgarh.
3. Nagar Panchayat Surajpur, District- Sarguja, Chhattisgarh, Through its Chief Municipal Officer, Nagar Panchayat, Surajpur, District-Sarguja, Chhattisgarh.
4. Smt, Sarita Kesari, D/o Shri Rajendra Prasad Kesari, R/o Chandani Chowk, Ambikapur, District- Sarguja, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Manoj Paranjpe and Shri Prasoon Agrawal, Advocates.
For Respondent No.1 & 2	:	Shri Ashish Surana, Panel Lawyer
For Respondent No. 3	:	Shri M.P.S. Bhatia, Advocate
For Respondent No. 4	:	Shri Sunil Tripathi, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****31/07/17**

Heard.

The Nagar Panchayat, Surajpur advertised one post of Shiksha Karmi, Grade-II (Maths and Science) on 11.09.1998 in which the petitioner participated and stood as wait listed candidate No. 1 whereas

one Arun Kumar was appointed and the post was duly filled up and, therefore, the petitioner could not be appointed though she was a wait listed candidate.

2. Thereafter, on 15.01.1999 one new post of Shiksha Karmi, Grade-II was created for which respondent No.4 and the petitioner applied and respondent No.4 was at serial No. 1 in the merit list whereas the petitioner stood at serial No. 2 in the merit list. Respondent No. 4 being at serial No. 1 of the merit list was appointed and the petitioner again remained as wait listed candidate and could not be appointed against which she made a complaint to the Human Rights Commission that was ultimately transferred to the Collector and the Collector got the enquiry conducted. By the impugned order dated 17.03.2004, the Collector took decision finding no merit in the objection/complaint filed by the petitioner against which this writ petition has been preferred.

3. Learned counsel for the petitioner submits that in the second advertisement also the petitioner was wait listed candidate No. 1 and she could not have been appointed. In the third advertisement, gross illegality has been committed in selecting respondent No. 4. Therefore, the impugned order deserves to be set aside.

4. On the other hand, learned counsel for respondent No. 4 would support the impugned order.

5. I have heard learned counsel for the parties and considered their rival submissions and also perused the impugned order with utmost circumspection.

6. So far as the second advertisement floated on 11.09.1998 is concerned, the post of Shiksha Karmi, Grade-II has already been filled up and one Arun Kumar was appointed. The appointment of Arun Kumar was not questioned by the petitioner either before the Collector or before this Court. Therefore, the appointment of Arun Kumar has become final and the petitioner again cannot take any advantage flowing from the second advertisement and that recruitment process has become final.

7. So far as the third advertisement which is the subject matter of this writ petition flowing from the order of the Collector is concerned, it is quite vivid that the petitioner is at serial No. 2 of the merit list and respondent No. 4 has already been appointed on the post being at serial No.1 of the merit list. The Collector has considered the submissions of the petitioner and found no merit. The petitioner's contention that the marks in lieu of experience certificate have not been given to him, was not raised before the Collector. No other ground has been raised before the Collector to challenge the appointment of respondent No. 4 being contrary to law.

8. After hearing learned counsel for parties, I do not find any good ground to quash the appointment of respondent No.4 on the post of Shiksha Karmi Grade-II by the Nagar Panchayat.

9. As a fall out and consequence of aforesaid discussion, I do not find any merit in the petition. The petition deserves to be and is accordingly dismissed leaving the parties to bear their own costs.

Sd/-
(Sanjay K. Agrawal)
Judge