

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No.343 of 2017***(Arising out of order dated 6.7.2017 in Writ Petition (C) No.2436 of 2016 of the learned Single Judge)*

Vinod Kumar Das S/o Shri Viranchi Das Aged About 36 Years Caste - Bramhan,
R/o Basna, Beside Veterinary Hospital, Ward No. 1 District Mahasamund
Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Education Mahanadi Bhavan Mantralaya, New Raipur District Raipur Chhattisgarh.
2. Director Of Public Education , Department Of Education, Mahanadi Bhavan, Mantralaya, New Raipur District Raipur Chhattisgarh.
3. District Education Officer , Mahasamund District Mahasamund Chhattisgarh.
4. Block Education Officer, Basna, District Mahasamund Chhattisgarh.
5. Collector, Mahasamund District Mahasamund Chhattisgarh.
6. Baikunth Kumar Pradhan S/o Pavitra Kolta, Posted As Senior Accountant / Clerk At Block Education Office, Basna, District Mahasamund Chhattisgarh.

---- Respondents

For Appellant	: Shri Vimlesh Bajpai, Advocate.
For Respondent/State	: Shri UNS Deo, Government Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Sharad Kumar Gupta, Judge.

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****18/09/2017**

1. The defect noticed is that one of the sheets in Annexure A/5 bunch is not readable. Annexure A/5 are different news reports. We have understood the contents of that through the pleadings in the writ appeal, in which Annexure A/5 is marked collectively as newspaper reports that would disclose that the 6th Respondent worked in government service though he was convicted by a Magistrate's Court way back on 30.6.1975. We excuse that defect. The writ appeal is taken for consideration on merits.

2. Heard the learned counsel for the Appellant and the learned Government Advocate.
3. The Appellant/writ Petitioner is not a government servant. He filed a writ petition seeking relief against the 6th Respondent's appointment as a government servant. The 6th Respondent was appointed in 1976. Petitioner, who, going by his affidavit, was 35 years old when he instituted the writ petition, would not have been born when the 6th Respondent was appointed.
4. The Petitioner's plea is that the 6th Respondent's prior conviction in 1975 was ignored by the government when he was appointed in 1976. The said person has even retired from service, going by the contents of the impugned judgment. That fact is not disputed. The Appellant/writ Petitioner did not have any personal cause of action whatsoever in relation to a service matter *in re* the 6th Respondent. Under such circumstances, we see no ground to entertain this writ appeal against the impugned judgment whereby the learned Single Judge has closed the writ petition holding that nothing needs to be considered in view of the retirement of the 6th Respondent.
5. We are told that the Appellant is a public spirited person. Even in terms of the law laid by the Apex Court, including in *Dr. Duryodhan Sahu & Others v. Jitendra Kumar Mishra & Others*; (1998) 7 SCC 273, a public interest litigation is not to be entertained in relation to the service matter. We recall that though this matter is instituted as a person *lis*.
6. On the whole, we see no substance either in this writ appeal or in the writ petition from which this appeal arises. This matter therefore fails lock, stock and barrel.
7. In the result, this appeal is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Sharad Kumar Gupta)
JUDGE