

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3765 of 2011

- Kuldeep Kumar Khalkho S/o M.Khalkho, aged about 38 years,
R/o Fundurdihari, Ambikapur, District Surguja (CG)

---- Petitioner

Versus

1. State Of Chhattisgarh , through Secretary, Revenue and
Disaster Management, DKS Bhawan, Raipur, District Raipur
(CG)
2. Commissioner (Land Revenue), Ambikapur, Surguja District
Surguja (CG)
3. Commissioner (Land Records), Chhattisgarh, Raipur, District
Raipur (CG)
4. Commissioner, Surguja Division, Ambikapur, District Surguja
(CG)
5. Sub-Divisional Officer (Revenue) Kusmi, District Surguja (CG)

---- Respondent

And

WPS No. 4806 Of 2011

- Pradeep Tigga S/o Clement Tigga, aged about 32 years, R/o
Village Botaki, Post Pandaripahi, P.S. Farsabahar, District
Jashpur (CG)

---- Petitioner

Vs

1. State Of Chhattisgarh, through Secretary, Revenue and Disaster
Management, DKS Bhawan, Raipur, District Raipur (CG)
2. Collector (Land Revenue), Ambikapur, Surguja, District Surguja
(CG)
3. Commissioner (Land Records), Chhattisgarh, Raipur, District
Raipur (CG)

4. Commissioner, Surguja Division, Ambikapur, District Surguja (CG)

5. Sub-Divisional Officer (Revenue), Surajpur, District Surguja (CG)

---- Respondent

For Petitioners	Mr. Manoj Paranjpe, Advocate
For Respondent/State	Mr. Shashank Thakur, Government Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

10/5/2017

1. Heard.
2. In the recruitment of Patwari, for which, an advertisement was issued on 13.08.2008, the petitioners appeared as Scheduled Tribe candidates, for which, 52 posts were reserved. At the end of the selection process, the petitioners were found eligible for appointment and were issued appointment orders, pursuant to which, they joined on 17.08.2010. In the meanwhile, two candidates namely Chanchal Kumar and Anil Kumar Norge preferred WPS No.4550 of 2009 before this Court, which was disposed of on 09.04.2010, directing the authorities to prepare a fresh merit list and consider the candidature of the petitioners therein for selection in Patwari Training School, subject to verification of the facts that the said petitioners acquire all other requisite qualifications, except computer application (diploma) certificate from a recognized institute as provided under circular dated 7.6.2007, in the light of order

rendered by this Court in Santosh Kumar Vishwakarma Vs. State of Chhattisgarh and another (WP(S) No.4555 of 2009, decided on 15.3.2010).

3. In compliance of the order passed by this Court, the Additional Collector, Surguja issued the impugned communication- Annexure P/1, based on which, SDO(R), Kusmi and SDO(R), Surajpur issued notices (Annexure P/2 in both the petitions) to the respective petitioners, seeking their explanation in the matter.
4. Assailing the letters (Annexure P/1 & P/2), Mr. Manoj Paranjpe, learned counsel for the petitioners, would submit that for the 52 posts reserved for ST candidates, though the petitioners were placed later in the list from Sl. No.56 down, yet since several ST candidates, who were included in the first 56 candidates in the ST category, did not participate in the counselling, the petitioners' candidature could still be considered as ST candidates within the quota prescribed for that category. However, without considering the same, the authorities have issued the impugned communications in a pre-determined manner, which is clear and self-speaking from the language of the impugned communications, therefore, the petitioners have rushed to this Court.
5. Mr. Shashank Thakur, learned Government Advocate for the State, would submit that despite filing of the reply, the petitioners did not wait for passing of the order and rushed to this Court, therefore, the writ petitions are premature.

6. Having considered the rival submissions, it appears, if 56 ST candidates have not been offered appointment, the petitioners' submission that their names deserve to be considered as ST candidates, because, 52 posts reserved for ST category have not yet been filled up, requires consideration by the respondent authorities.
7. Therefore, the writ petitions are disposed of with direction to the Collector (Land Revenue Branch), Sarguja, to consider the petitioners' submission, as quoted above, while preparing the fresh merit list in terms of the order dated 9.4.2010 passed by this Court in WP(S) No.4550 of 2009.
8. If the petitioners are included in the first 52 male ST candidates, who have appeared for their counselling, on the strength of their merit, the respondent authority shall consider the petitioners' candidature to fill up 52 ST category posts.
9. Till the fresh merit list is prepared and speaking orders are passed, considering the petitioners' contention, the petitioners shall not be removed from the posts.

Sd/-

Judge

(Prashant Kumar Mishra)

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