

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3203 of 2017

Ku. Swati Tiwari D/o Gopal Prasad Tiwari Aged About 27 Years R/o A/s 4, Choubey Colony, Bandhwapara, Sarkanda, Police Station Sarkanda, Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Education Department, Mantralaya, Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
2. Zila Panchayat, Bijapur, Through Chief Executive Officer, Zila Panchayat Bijapur, Chhattisgarh.
3. Block Education Officer, Bijapur, District Bijapur, Chhattisgarh.
4. Kumari Yogeshwari D/o Shri Premlal Aged About 28 Years R/o Village And Post Kanwar, Tahsil Gurur, District Balod, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri Ram Narayan Sahu, Advocate
For State	:	Shri A.S. Kachhawaha, Additional Advocate General

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

20/07/2017

Heard.

1. The grievance of the petitioner is that even though there has arisen a vacancy on account of resignation of one Yogeshwari, petitioner is not being appointed though the petitioner was second in order of merit and till the date of vacancy caused by Yogeshwari, the validity of select list had not expired. Representation in this regard has been made but the same has not been considered.
2. In view of the above, at this stage, it is appropriate to direct respondent no.2 to consider petitioner's representation, verify the date on which vacancy arose and period for which the select list was valid. If select list validity had not expired by the date Yogeshwari had resigned, the authority shall consider appointment of the petitioner because the petitioner stood second in order of merit. Upon due

verification, speaking order shall be passed by the authority either granting appointment to the petitioner or if not found permissible, giving specific reason by speaking order as to why appointment cannot be given. The entire exercise should be completed within a period of three months from the date of receipt of copy of this order.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Praveen