NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5593 of 2016

Smt. Kanchan Jaisawal D/o Shri Badri Prasad, Aged About 30 Years Occupation Patwari, Tahsil- Bhatapara, District Baloda Bazar-Bhatapara, (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Revenue Department, Mahanadi Bhawan, New Mantralaya, District Raipur, (Chhattisgarh)
2. The Collector, Land Records Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh
3. The Tahsildar, Bhatapara, District Baloda Bazar Bhatapara Chhattisgarh
4. Sailab Sahu Presently Posted As S. D. M. Devbhog, District Gariyaband Chhattisgarh
5. The Principal, Patwari Training School District Raipur Chhattisgarh

---- Respondent

For Petitioner	Shri Prakash Tiwari, Advocate.
For Respondents/State	Shri PK Bhaduri, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

12/01/2017

1. The present petition under Article 226 of the Constitution of India has been preferred challenging the order dated 28.08.2015 passed by the respondent No.4 whereby in the list published in respect of candidates who had undergone Patwari Elementary Training, against the name of petitioner it is mentioned that she has not secured the said training.

2. The respondents/State have now in the reply have accepted that there was an error on their part and have stated that the said error crept due to clerical/typographical error and that they have issued an order for

rectification in this regard on 30.09.2015. Learned State counsel further undertakes that in between based on the rectification which has been done, necessary instructions for providing benefits that has been given to the other similarly situated persons, if any, shall also be taken up at the earliest.

3. Counsel for the petitioner submits that the act on the part of the respondent No.4 seems to be deliberate and with a malafide intention, and therefore, the respondent No.4 should be taken into test.

4. Since the respondents/State at the first instance itself have come up with a stand that there is a typographical error in preparing the said list, the contention of the petitioner of any malice or malafide on the part of respondent No.4 is not acceptable.

5. In view of specific undertaking given by the State counsel, nothing further remains to be adjudicated in the present petition. Accordingly, the petition is disposed of with a direction to the respondents to ensure that necessary benefits that would accrue in favour of the petitioner as compare to other similarly placed persons shall be issued within a period of four weeks from today. No order as to costs.

Sd/-
(P.Sam Koshy)
Judge

inder