

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 206 of 2017**

1. Chandra Prakash Yadav S/o Shri R.L. Yadav Aged About 35 Years R/o 27 Kholi, Vikas Nagar, Near Jyoti Kirana Store, Bilaspur, District- Bilaspur, Chhattisgarh
2. Govind Vishwakarma S/o Late Shri Gopal Vishwakarma Aged About 28 Years R/o Madhuban Road, In Front Of Shikha Vatika, Dayalband, Bilaspur, District Bilaspur, Chhattisgarh
3. Poshan Singh S/o Shri Tameshwar Singh Aged About 34 Years R/o Sarbahra, Jogi Dairy, Tehsil Pendra Road, District- Bilaspur, Chhattisgarh
4. Vishwanath Sahu S/o Shri Ramayan Sahu Aged About 31 Years R/o Village Thaurabhatha, Kota, District- Bilaspur, Chhattisgarh
5. Sushil Kumar Ratre S/o Late Shri Bhagwat Prasad Aged About 40 Years R/o Near Dilip Kirana Store, Minimata Basti, Jarhabhatha, District- Bilaspur, Chhattisgarh
6. Promod Kumar Banerjee S/o Shri Devdas Aged About 44 Years R/o Village Nipaniya, Tehsil Bilha, District Bilaspur, Chhattisgarh

---- Appellants**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, New Raipur, District- Raipur, Chhattisgarh
2. The Collector Bilaspur, District- Bilaspur, Chhattisgarh
3. Rukesh Kumar Nagarchi S/o Shri Kaliram Nagarchi Aged About 40 Years R/o Village And Post Dahi, Police Station Kurud, District Dhamtari, Chhattisgarh

--- Respondents

For Appellants	:	Mr. Parag Kotecha, Advocate
For Respondent/State	:	Mr. Y.S. Thakur, Additional Advocate General

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

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

27.06.2017

1. This intra Court appeal under Section 2(1) of the High Court of Chhattisgarh (Appeal to Division Bench) Act, 2006 is against the judgment of the learned Single Judge refusing to come to the aid of the appellants when they challenged an advertisement issued by the Respondent-State for recruitment of different posts which also included post of Drivers.
2. We have heard the learned counsel for the appellants and the learned Additional Advocate General for the State.
3. The Appellants, six in number, pleaded that they were initially appointed in 2010 on contract basis and from time to time they continued as contract appointees. The last lap of such employment commenced from 03/03/2017 and the terms to that contract says that such engagement was only till 07/06/2017. As rightly noted by the learned Single Judge, the repeated contractual appointments do not give an indefeasible right in favour of such contract appointees in preference to the persons who could compete and come into public employment from open market. The learned Single Judge also found that the claim for regularization on the basis of circular of the Government cannot be made by the petitioners because they had not even completed 10 years of the so-called employment under contract. The learned Single Judge noticed that the decision of the Apex Court in '*Secretary, State of Karnataka and Others v. Umadevi and Others*' {2006 (4) SCC 1} underscores the principles of law governing the claim for regularization of such cases. We see that the learned Single Judge was abundantly justified in rejecting the claim of the petitioners to interdict direct recruitment to the post of drivers. We do not see any legal infirmity or

jurisdictional error in the impugned decision of the learned Single Judge. In the result this Writ Appeal fails.

4. In the light of the aforesaid, we do not find any reason to condone the delay in instituting this Writ Appeal.
5. In the result, the Writ Appeal and the Application seeking condonation of delay are dismissed in limine.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge

Kishore