

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2035 of 2017

- Amit Singh S/o Shri Chandra Kumar Singh, Aged About 22 Years, R/o Village Kolihadevari, Post Ponch, Thana Baloda, District Janjgeer Champa Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department of Home, New Raipur, P.S. Rakhi Raipur, District Raipur Chhattisgarh
2. Jail and Reformative (Sudharatmak) Service, Through Its Director General, Head Quarter Jail And Reformative (Sudharatmak) Service, Raipur (Chhattisgarh).
3. Deputy Inspector General of Jail and Chairman, Selection Committee, Jail Warder Recruitment- 2013, Bilaspur Circle, Central Jail Bilaspur (Chhattisgarh)
4. Jail Superintendent O/o Jail Superintendent, Central Jail Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	Shri Vinod Deshmukh, Advocate
For Respondent-State	Shri Satish Gupta, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/04/2017

1. Petitioner appeared in the recruitment of Jail Warder and was allowed to stay in the fray till the stage of interview, however, thereafter he has been directed to produce Live Registration Certificate with any employment exchange within the State as on the cutoff date.

2. Referring to the order passed by the Full Bench in the matter of **State of Chhattisgarh vs Roshni Sahu** and other connected matters in Writ Appeal No.411/2014, decided on 21.10.2016, Shri Vinod Deshmukh, learned counsel for the petitioner would argue that the imposition of such condition mandating production of Live Registration Certificate with an employment exchange on the cutoff date is neither permissible nor could be made mandatory as a pre-condition for offering employment when the petitioner is otherwise a meritorious candidate having obtained position in the select list.

3. In the matter of **Roshni Sahu** (supra), the Full Bench held thus in paragraphs 11, 12, 13 & 14:-

“11. In Writ Petition (S) Nos. 3336 and 3334 of 2015, the advertisement was issued on 2.7.2013 and the last date for submission of the documents was 23.9.2013. The petitioners were registered with the Employment Exchange in August, 2013. They were permitted to appear in the examination. Though there were no proof of their registration at that time, the petitioners were permitted to appear in the written test and thereafter also in the physical test. It was only after they were successful that their candidature was cancelled on the ground that at the time when their applications were submitted they were not registered with the Employment Exchange.

12. As far as these four cases are concerned, we are clearly of the view that these are squarely covered by the judgment of Pritilata Nanda (supra), especially by the observations of the Apex Court made in paragraph 21 quoted herein above. This is also the view taken by the Division Bench of this Court in Writ Appeal Nos. 322 and 323 of 2014, decided on 16th September, 2014. We agree with the view expressed in this case.

13. In this view of the matter, the cases of the petitioners will have to be accepted and therefore it is not necessary for us to enter into the second question and the decision thereof is left open.
 14. In view of the above discussion, Writ Appeal Nos. 411 and 360 of 2014 are dismissed and Writ Petition (S) Nos. 3336 and 3334 of 2015 are allowed. The Petitioners in the Writ Petition (S) Nos. 3336 and 3334 of 2015 be considered for appointment if otherwise eligible.”
4. The matter appears to be similar to the one decided by the Full Bench, therefore, the present writ petition also deserves to be and is hereby allowed at the admission stage itself.
 5. Let the respondent authorities process the petitioner's candidature and offer him appointment on the subject post, if he is otherwise eligible.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala