

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2947 OF 2005

- Arvind Verma, S/o Shri Neelkanth Verma, aged about 34 years, R/o Gram Dighari, post Bhansoj, District Raipur.

... Petitioner

Versus

1. State of Chhattisgarh, through the Secretary, Department of Education, D.K.S. Bhawan, Raipur.
2. Rajiv Gandhi Shiksha Mission, Kabirdham, through the State Project Officer, Avanti Vihar, Raipur.
3. The District Collector, District Mission, Director Rajiv Gandhi Shiksha Mission, Kabirdham.
4. The District Programme Coordinator, Rajiv Gandhi Shiksha Mission, Kabirdham.
5. The Chhattisgarh Research & Development Institution, Dindayal Upadhyay Nagar, Raipur.
6. Bhagat Singh Choudhary, S/o Shri Baliram Choudhary, R/o near Budha Mahadeo Mandir, Kutchery Para, Kawardha (Kabirdham)

... Respondents

For Petitioner	:	Mr. Manay Nath Thakur, Advocate, under instructions of Mr. B.P. Sharma, Advocate.
For Respondent-State	:	Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

28/04/2017

1. By way of the present Writ Petition, the Petitioner has challenged the advertisement dated 31.3.2005 which was issued for appointment under the Rajiv Ghandhi Shiksha Mission, Kabirdham.
2. The solitary ground of challenge in the present Writ Petition is that the Petitioner was a contractual employee working with Respondent No.2 by virtue of contractual agreement and was posted under Respondent No.5 institute.
3. Contention of learned Counsel for the Petitioner is that since the Petitioner has discharged his duties as a contractual employee as a Lower Division Clerk he has achieved certain experience which would be more

beneficial for the Respondents and therefore the Petitioner would have been a more suitable candidate. He further submits that considering the experience which the Petitioner had, the Respondents should have given more preferential treatment to the Petitioner by giving more marks in the selection process. Apart from the said ground, the Petitioner does not seem to have taken any other ground in the present Writ Petition.

4. It is pertinent to mention that pending the petition before this Court the recruitment process has also been completed and the newly added Respondent No.6 has since been appointed. Though Respondent No.6 has been appointed and has been made a party, the Petitioner has not shown any ground by which it could be said that the order of appointment given to Respondent No.6 was contrary to the advertisement that was issued nor has the Petitioner been able to establish that Respondent No.6 was in any manner not having the minimum qualification prescribed or was in any manner inferior to the Petitioner. On the contrary, from the perusal of the returns which have been filed by Respondents No. 1 and 3, it reflects that they have taken a categorical stand that Respondent No.6 was more qualified than the Petitioner and he was also having experience of more than two years and four months working as Lower Division Clerk at Block Resource Center, Bodla and therefore it cannot be said that Respondent No.6 also was an inexperienced person.

5. The law so far as contractual employment is concerned is by now well settled. The contractual employee does not have any indefeasible right for regular employment undertaken by the employer neither does the law in any manner provide any preferential treatment to be given to the contractual employees. In the absence of which it is difficult to hold that the Petitioner in the given facts and circumstances was entitled for any preferential treatment by allotting some extra marks for his experience.

Further, in the reply of the Respondents it also reflects that the Respondent No.6 was also having an experience of about 2½ years.

6. In view of above, this Court does not find any good ground raised by the Petitioner calling for an interference in the advertisement issued and also in the issuance of the order of appointment in favour of Respondent No.6.

7. Accordingly, the Writ Petition being devoid of merits is dismissed

Sd/-
(P. Sam Koshy)
Judge

/sharad/