

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.1396 of 2017**

Paras Kumar Kashyap S/o Shri Banshi Lal Kashyap Aged About 38 Years R/o Village Navagaon, Post Kusda, Tahsil & District Bemetara, Chhattisgarh Pin Code 491335.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through: The Secretary, Panchayat Department, Mahanadi Bhawan, Mantralaya, Naya Raipur, P.S. Rakhi, Tahsil & District Raipur, Chhattisgarh.
2. The Collector, Bemetara, District Bemetara, Chhattisgarh
3. District Panchayat, Bemetara, Through: The Chief Executive Officer, District Panchayat, Bemetara, District Bemetara, Chhattisgarh
4. Janpad Panchayat, Nawagarh, Through: The Chief Executive Officer, Janpad Panchayat, Nawagarh, District Bemetara, Chhattisgarh.

---- Respondents

For Petitioner	:	Shri SC Verma, Advocate.
For Respondent/State	:	Shri B Gopa Kumar, Dy. Advocate General.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****23/03/2017**

1. The present petition has been preferred seeking for following reliefs:
 1. That, this Hon'ble court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ commanding and directing the respondents to produce all the records related with the case of the petitioner for just and proper decision of the case.
 2. That, this Hon'ble court may be kind enough in issuing a writ in the nature of mandamus, certiorari or likewise any other appropriate writ commanding and directing the respondents to appointment the petitioners as Shiksha Karmi Grade-III with all remuneration and benefits of the service since year 2007.
 3. That, this Hon'ble court may be kind enough in issuing a writ

in the nature of mandamus, co-warranto, certiorari or likewise any other appropriate writ commanding and directing that whether the candidates who are still working as Shiksha Karmi Grade-III by virtue of the appointment entitled and eligible to remain in the post or not?”

2. What is relevant to be considered is the fact that the petitioner at this juncture in the year, 2017 indents to challenge the recruitment and recruitment process that was undertaken in the year, 2006-07. 10 years have been passed meanwhile. The contention of the petitioner is that it is only in the year, 2017 he came to know about large corruption and illegalities being made in the recruitment of 207 posts of Shiksha Karmi in Janpad Panchayat, Nawagarh.
3. A perusal of letter dated 25.06.2014 (Annexure P/1) would show that the moment corruption was detected, the cognizance was taken by the authorities concerned. They have initiated steps for cancelling the illegal appointment and have also issued instructions to register criminal case against the erring candidates as well as the officials.
4. The present petition suffers from delay and laches for this reason the writ court would not entertain the stale claims which the petitioner has raised in this petition. The claim raised by the petitioner is for a fresh inquiry of entire selection process that had undertaken in the year, 2006-07. The petitioner has also participated in the said recruitment process but could not succeed. The petitioner after being unsuccessful in the recruitment did not question the appointment and the recruitments made when the illegalities were initially detected and now appropriate action has already been instituted. The present petition cannot be converted into

a Public Interest Litigation questioning the entire recruitment process that was undertaken about 10 years back.

5. Accordingly, the writ petition is dismissed on the ground of delay and laches.
6. Reluctance to entertain this petition would not in any manner come in way of the petitioner in availing the other remedy available under the law.

Sd/-
(P.Sam Koshy)
Judge

inder