

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No.2810 of 2017

- Smt. Pratibha Tiwari W/o Shri Rajkishore Tiwari, Aged About 40 Years
Lecturer (Science) Govt. Higher Secondary School (Boys) Bastar
District Bastar Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat & Rural Development, Mantralaya, Naya Raipur, District Raipur (Chhattisgarh)
2. The Chief Executive Officer, Jila Panchayat, Jagdalpur District Bastar (Chhattisgarh)
3. The Chief Executive Officer, Janpad Panchayat Jagdalpur District Bastar (Chhattisgarh)
4. The Block Education Officer, Block Education Office, Jagdalpur, Bastar (Chhattisgarh)

---- Respondents

For Petitioner : Shri Shailendra Bajpai, Advocate
For Respondent No.1 & 4/State: Shri Avinash Singh, PL
None for respondents No.2 & 3, though served.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/11/2017

Heard.

2. Grievance of the petitioner is that even though, similarly situated employees have been granted permission to appear in the examination for appointment on the post of Shiksha Karmi Grade I, but application of the petitioner was arbitrarily rejected.

3. Learned counsel for the petitioner submitted that the impugned order/endorsement (Annexure P/2) shows that the only operative reason for rejecting petitioner's application for grant of permission to appear in the examination for appointment on the post of Shiksha Karmi Grade I was that the

petitioner is a probationer, whereas other similarly situated probationers appointed along with the petitioner, vide order dated 17-09-2007, have been granted permission. It is submitted that No Objection Certificate was issued in favour of Vikas Kumar Sahu and other similarly situated-probationer Shiksha Karmi Grade III, appointed along with the petitioner, copy of which, has been placed on record as Annexure P/3.

5. The aforesaid facts have not been disputed by respondents No.2 & 3. Therefore, it is clear that the respondent No.3 has adopted pick and choose policy without any rational basis, which is arbitrary and cannot be permitted under the law.

6. Taking into consideration the submission of learned counsel for the parties, the order/endorsement (Annexure P/2) refusing to grant permission to appear in the examination for appointment on the post of Shiksha Karmi Grade I is held illegal and set aside. The respondent No.3 is directed to issue No Objection Certificate in favour of the petitioner forthwith.

7. Accordingly, the petition is allowed.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E