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HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 2032 of 2016**

- Bhupendra Kumar Wardekar S/o Dhanu Ram Wardekar, Aged About 24 Years R/o Near Noori Maszid, Gali No. 2, Gauri Nagar, Ward No. 14, Rajnandgaon, Tehsil & District Rajnandgaon (Chhattisgarh).

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Urban Administration & Rural Development, Mantralaya, Mahanadi Bhawan, Naya Raipur District Raipur (Chhattisgarh).
2. The Director, Directorate Of Urban Administration & Rural Development, State Of Chhattisgarh, Mantralaya, Indrawati Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
3. Collector Rajnandgaon, District Rajnandgaon (Chhattisgarh).
4. Municipal Corporation Rajnandgaon, Through Its Commissioner, Municipal Corporation Rajnandgaon, District Rajnandgaon (Chhattisgarh).

---- Respondent**And****WPS No. 3614 Of 2016**

- Mahendra Bansod S/o Late Shri Dukhulal Bansod, Aged About 40 Years R/o Station Para, Ward No. 13, Teacher Colony, Police Station City Kotwali, Tahsil And District Rajnandgaon, (Chhattisgarh)

---- Petitioner**Vs**

1. State Of Chhattisgarh Through Its Secretary, Department Of Urban Administration And Development Secretariat, Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District Raipur, (Chhattisgarh)
2. The Director, Directorate Of Urban Administration And Development Mahanadi Bhawan, New Raipur, P.S. And Post Rakhi, District Raipur, (Chhattisgarh)

3. The Collector, Office Of Collectorate, Rajnandgaon, District Rajnandgaon, (Chhattisgarh)
4. Commissioner, Municipal Corporation, Office Of Municipal Corporation, Rajnandgaon, (Chhattisgarh)

---- Respondent

For Petitioners : Shri Mateen Siddiqui and Shri Abhishek Pandey, Adv.
 For Respondent/State : Shri Adhiraj Surana, Deputy GA.
 For Respondent No.4 : Shri Saurabh Sharma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

28/03/2017

1. The issue pertains to appointment of Social Welfare Officer in the Municipal Corporation, Rajnandgaon for which an advertisement was issued in the year 2013. The subject appointment is governed under the Chhattisgarh Municipal Corporation (Appointment of Officers and Employees and Conditions of Service) Rules, 2007 (for short 'the Rules'). Initially the subject Rules did not provide for eligibility qualification for the Social Welfare Officers which came to be introduced by way of amendment in the said Rules with effect from 8.6.2015. Since the advertisement was issued in the year 2013 when no qualification was prescribed, the Selection Committee at the level of Municipal Corporation, Rajnandgaon prescribed the educational qualification as Post Graduate Degree in MSW.
2. It is not disputed that the same educational qualification has been

prescribed under the Amended Rules with effect from 8.6.2015, therefore, the present is not a case where the Selection Committee prescribed a qualification inferior to the one which was prescribed under the Rules.

3. Be that as it may, when the selection process was continuing, the Committee decided to keep the process in abeyance for the reason that guidance has been sought on the issue of prescription of eligibility qualification which was not included in the Rules at the time of issuance of advertisement. However, an endorsement was made by the Selection Committee that petitioner Mahendra Bansod in WPS No.3614/2016 being earlier removed from service, his candidature shall not be considered. This gave rise to WPS No.1250/2014 which was disposed of on 16.4.2014 allowing the said petitioner to prefer a representation for the reason that though he was removed from service but his appeal was decided in his favour and he was reinstated in service.
4. By order dated 21.8.2014 (Annexure-R-4/4) in WPS No.2032/2016, the Municipal Corporation purportedly decided the representation but in the recital there is no decision on representation and the same has been kept pending till guidelines are received from the State Government. However, at the same time, the Corporation has prepared a merit list vide Annexure-R-4/5 wherein the name of petitioner Mahendra Bansod is appearing at S. No.1 and the petitioner Bhupendra Kumar Wardekar

is at S. No.2.

5. Since the selection process is presently kept in abeyance awaiting the instructions from the State Government, the Municipal Corporation is not in a position to take a firm stand to the candidature of the petitioners qua their merit. At the same time, petitioner Mahendra Bansod would contend that he has not incurred any such disqualification which would debar him from competing for any future employment under the State firstly, because earlier he was not dismissed from service but was only removed and secondly, that removal was also set aside by the appellate authority, therefore, he is fully eligible and suitable for the subject post.
6. Considering the entire fact situation of the case, the Writ Petitions are disposed of with a direction to the Municipal Corporation, Rajnandgaon to handover the matter to the Selection Committee for proceeding ahead in the matter to finalize the selection process for the recruitment of Social Welfare Officer in accordance with the terms of advertisement and norms for eligibility qualification fixed by it which is in line with the eligibility qualification fixed under the Rules, as inserted by amendment dated 8.6.2015. It is made clear that this Court has not expressed any opinion as to the final select list which is to be considered by the Selection Committee.

Sd/-
Judge
(Prashant Kumar Mishra)