

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (S) NO. 6670 OF 2008**

Hemlal Sinha Aged About 41 Years S/o Shiv Ram Sinha, Resident of Village And Post Atarmara, Tahsil-Gariyabandh, Distt. Raipur (CG).

**...Petitioner(s)**

**Versus**

1. State of Chhattisgarh through the Secretary, Department of Panchayat and Social Welfare, Mantralaya, DKS Bhawan Raipur (CG)
2. The Commissioner Raipur, Division Raipur, Tahsil and Distt. Raipur (CG).
3. The Collector Raipur, Distt. Raipur (CG).
4. Janpad Panchayat Gariyabandh Distt. Raipur (CG).

**... Respondent(s)**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For Petitioner       | : | Shri Sachin Singh Rajput and<br>Shri Sharad Mishra, Advocates. |
| For Respondent-State | : | Shri Mazid Ali, Govt. Advocate.                                |

**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board**

**08.08.2018.**

1. The present appears to be a third round of litigation by the petitioner hoping for employment on the post of Shiksha Karmi Grade-III against the selection process held in the year, 1998.
2. The select list (Annexure P/2) was published on 01.08.1998. The name of the petitioner appears in the said select list in the quota reserved for ex-serviceman.
3. The grievance of the petitioner was that though his name was reflected in the select list, but the respondents have not issued order of appointment. The petitioner subsequently had filed a writ petition vide WP No.1544 of 1999 which stood disposed of vide order dated 14.07.1999 directing the petitioner to prefer a representation which

in turn should be considered by the Commissioner. The Commissioner thereafter rejected the claim of the petitioner on 15.09.1999. Thereafter, the petitioner preferred a fresh petition before this court vide WP No.1612 of 2002 which again stood disposed of on 27.06.2008 directing the Chief Executive Officer, Janpad Panchayat, Gariyaband to consider the case of the petitioner in the light of the letter dated 04.04.2001 issued by the Deputy Commissioner. The respondents subsequently have passed the impugned order on 31.07.2008 (Annexure P/1).

4. Perusal of entire records and documents enclosed along with the petition it appears that the sole issue appears to be whether the petitioner's appointment order on the post of Shiksha Karmi Grade-III could not be issued on account of fact that the respondents found the petitioner not belonging to ex-serviceman cadre and have not entitled for reservation under the said quota.
5. The contention of the petitioner is that the State Govt. vide their circular dated 22.09.1984 has provided certain preferential treatment to the wards of Home Guards (Nagar Sainik), and therefore, the petitioner ought to have been granted appointment giving preferential treatment.
6. The said contention of the petitioner may not be acceptable for the reason that the petitioner's name in the select list was against ex-serviceman quota. For becoming eligible for ex-serviceman quota, the requirement is that the candidate should be a ward of an ex-serviceman i.e. persons who is employed by any of the armed force. By that time, Home Guard (Nagar Sainik) was not brought within the

ambit of armed force. The petitioner, at the same time is also, not in a position to say that his father or his parents were in the armed force except for the fact that his father was a Home Guard (Nagar Sainik).

7. Given the aforesaid admitted factual matrix of the case that the father of the petitioner was not an ex-serviceman from any of the armed force and that the circular relied upon by the petitioner dated 22.09.1984 was only in respect of giving preferential treatment. As Home Guard does not fall within the category of an ex-serviceman, this court is of the opinion that no strong case for interference with the impugned order is made out.
8. Accordingly, the petition fails and is dismissed.

Sd/-  
(P. Sam Koshy)  
**Judge**