

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 1480 of 2007**

D.C. Banjare, S/o. Shri B.R. Banjare, Aged about 42 years, Presently working as Assistant Superintendent Land Records, Office of Collector, Land Records, Branch, Raipur, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh, Through the Secretary, Department of Revenue, D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. State of Chhattisgarh, through: the Secretary, Department of General Administration, Raipur, District Raipur Chhattisgarh
3. The Director, Land Records, Chhattisgarh, Raipur Chhattisgarh
4. The Commissioner, Land Records, Chhattisgarh, Raipur, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Malay Kumar Bhaduri, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****27/07/2018**

1. The challenge in the present writ petition was to the issuance of Annexure P/8, which was a gradation list showing the gradation of the petitioner, wherein an order has been passed by the respondents that earlier gradation list which was published in the department w.e.f. 01.04.2001 onwards was erroneously prepared and subsequent to a representation being made by the persons aggrieved they have reconsidered it and re-casted a afresh gradation list, wherein exhibit P/4 was published placing the petitioner at serial No.126.
2. The contention for the petitioner is that while publication of Annexure P/1, P/2 and P/3, the name of the petitioner stood at serial No.44 and thereafter at serial No.37. So also the name of the petitioner stood at serial No.37 in Annexure P/5, P/6 and P/7, which were subsequently

prepared. However, only in the gradation list (Annexure P/4), the petitioner's name has been reflected at serial No.126, which is erroneous and the same deserves to be set-aside.

3. According to the petitioner, once when, after the bifurcation of the State, gradation list was prepared showing the seniority position as on 01.04.2001, the respondent authorities could not have corrected the same. It was also the contention that the authorities, who have changed the gradation list, also were not competent to make the corrections in the gradation list.
4. The State in their reply have categorically come up with a stand that the gradation list published immediately before the bifurcation of the State showing the seniority as on 01.04.2000, the name of the petitioner stood much lower in the order of seniority and that it was by mistake that in the gradation list of 2001, the name of the petitioner was placed at serial No.44 and thereafter at serial No.37 in the subsequent gradation list published.
5. The State in their reply has also said that few of the aggrieved persons have also made a representation to the authorities in the department and the department had an occasion of verifying the actual seniority list as it stood, immediately before the bifurcation of the State and accordingly Annexure P/4 was passed showing the petitioner's name at serial No.126.
6. The petitioner thereafter does not seem to have filed any rejoinder to the return filed by the State Government. It is also not the case of the petitioner that the persons, whose name appeared at serial No.44 to

126 are the persons, who have been appointed subsequent to the petitioner or are juniors to the petitioner in any manner.

7. So far as granting of seniority and placement in the gradation list is concerned, it would be the date of appointment which would be material. Unless there is an allegation on the part of the petitioner that the persons in the gradation list, placed over and above the petitioner, are either junior to him or have been appointed much after he was appointed, granting of seniority cannot be questioned or put to test by way of a judicial review.
8. In the absence of any such pleading on the part of the petitioner, this Court does not find any strong case made out by the petitioner for interfering with the order (Annexure P/8) or with the gradation list (Annexure P/4).
9. The writ petition thus stands dismissed being devoid of merit.

Sd/-
(P. Sam Koshy)
Judge