

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 4977 of 2012

Manju Mamta Yadav D/o Anup Ram Yadav, aged about 31 years, R/o Behind Tiwari Building, in front of Maharaja Complex, Kedarpur, Ambikapur, Post & Police Station – Ambikapur, District Surguja (C.G.).

---Petitioner

Versus

1. State Of Chhattisgarh, Through Secretary, Revenue Department, Dau Kalyan Singh Bhawan, Raipur, P.S. Civil Line Raipur (C.G.).
2. The Commissioner (Revenue), Surguja Division, P.S. Ambikapur, District Surguja (C.G.).
3. The Collector, Ambikapur, P.S. Ambikapur, District Surguja (C.G.).

---Respondents

For petitioner	:	Shri D.N.Prajapati, Advocate.
For State	:	Shri Prafull N. Bharat, Addl. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/10/2018

1. The present Writ Petition has been filed assailing the action on part of the respondents in not calling the petitioner for counseling for appointment to the post of Data Entry Operator (Regular) as also for Data Entry Operator (Contract) in respect of the recruitment which was conducted by advertisement issued Annexure-P/1 dated 10/03/2012.
2. The present Writ Petition was filed on 30/10/2012 and an interim order was passed on 08/11/2012 wherein the following observation was made:-

“In the meantime, taking into consideration the submissions made by learned counsel for the petitioner, it is directed that one post of contract appointment to the

post of Data Entry Operator in unreserved category (women) shall not be filled up.”

3. The petitioner had participated for both the categories of recruitment i.e. the Data Entry Operator (Regular) as also for the Data Entry Operator (Contract) and in both the categories the petitioner was successful in as much as the petitioner stood meritorious at Sr.No.1 for the regular appointment and at Sr.No.2 for the contractual appointment.

4. The substantial grievance of the petitioner is that, in spite of being meritorious, the petitioner has not been called for counseling and the respondents have arbitrarily proceeded further for appointing other persons less meritorious.

5. The State counsel at this juncture refers to the document enclosed along with the reply which shows that the petitioner infact was issued with the letter on 09/08/2012 for appearing in the counseling to be held on 21/08/2012 and according to the State counsel, the petitioner having received the same has not appeared for counseling thereby she has missed the bus and could not be considered for appointment.

6. At this juncture it was noticed that the said document Annexure-R/1 does not seem to have been dispatched to the petitioner at any point of time. There is no proof of the same having been dispatched to the petitioner.

7. Further, it also appears that the address of the petitioner is quite close to the office of the Collector itself and there is no reason why if the same has

been delivered to the petitioner, she should not either receive or in case if she is received, there is no reason why she has not appeared for counseling.

8. Be that as it may, considering the fact that there is an interim order in favour of the petitioner operating since 08/11/2012 against the post of contractual appointment and the petitioner also have been found to be meritorious in both her attempts for regular appointment as well as contractual appointment, this Court is of the opinion that, ends of justice would meet if the respondents may call upon the petitioner for a fresh counseling giving an appropriate date with sufficient time to appear and the case of the petitioner thereafter be consider for appointment against the post kept vacant under the contractual appointment for the post of Data Entry Operator.

9. It is made clear that, the claim of the petitioner would be only for the post of Data Entry Operator lying vacant to be filled up by contractual appointment with the respondents and any appointment would be prospective in nature.

10. Let this exercise be concluded within a period of 4 months from the date of receipt of certified copy of this order.

11. With the aforesaid observation, the Writ Petition accordingly stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE