

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.5793 OF 2011**

Smt. Dhira Bai W/o Shri Bharat Lal Yadav, aged about 25 years, R/o Ward No.5, Ganga Nagar, Kawardha, District Kabirdham (CG).

...Petitioner(s)

Versus

1. State of Chhattisgarh through the Secretary Panchayat & Social Welfare Department, DKS Bhawan, Raipur (CG).
2. The Superintendent Govt. Drishti Evam Shravan Badhitharth Bidyalaya, Kawardha (CG).
3. The Chief Executive Officer Jila Panchayat Kawardha (CG).
4. The District Employment Officer District Employment And Swarojgar Margdarhsan Officer, Kawardha (CG).
5. The Additional Collector Kawardha (CG).
6. Smt. Shashi Jangde W/o Mulchand Jangde, R/o Near Gayatri Mandir, House of Lokchand Munat, Kawardha (CG).

... Respondent(s)

For Petitioner	:	Shri Rakesh Pandey, Advocate.
For Respondent-State	:	Shri RN Pusty, Govt. Advocate.
For Respondent No.3	:	Shri Neeraj Pradhan, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01.10.2018

1. The challenge in the present Writ Petition is to the recruitment of the respondent No.6 on the post of Cook under the respondents.
2. The solitary ground of challenge in the present petition is that the interview which was conducted for the petitioner as well as respondent No.6 was not by a competent officer, but was a person who has been delegated by the competent person which otherwise was not permissible under the rules and regulations governing the field.
3. The brief facts of the case is that, a recruitment process was being conducted under the respondent No.3 and the Chief Executive

Officer was supposed to be the competent person to interview the candidates who had applied for the said post, however, inspite of Chief Executive Officer, he delegated his power upon one Accountant of the department for interviewing the suitable persons.

4. The petitioner submits that the said delegation of power or the delegation of authority of the Chief Executive Officer to the Accountant was not permissible and therefore the entire recruitment process from the stage of interview gets vitiated.
5. The admitted facts of the case is that the appointment of the respondent No.6 has been made as early as on 23.07.2011 and since then she is continuously working on the said post i.e. for almost about more than 7 years. Moreover, the appointment has been made on the post of Cook (Class-IV). The said post was not technical post wherein substantial prejudice would have caused to the interest of the petitioner had she been interviewed by the Chief Executive Officer. It is not a case that the respondent No.6 has been interviewed by a different person. The same authority has interviewed both the candidates and out of the two, the respondent No.6 was found to be more suitable.
6. Given the nature of post and the questions which could have been asked to these persons, this court is of the firm view that no substantial prejudice would have been caused to the petitioner had the interview been conducted by the Chief Executive Officer himself. In view of the above as the petitioner has not been able to convincingly establish the substantial prejudice part, this court after

more than 7 years would not like to interfere with the appointment made in favour of the respondent No.6 at this juncture.

7. The petition therefore being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy
Judge

inder