

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 7171 of 2010**

Ashok Mehar, S/o Shri C.B. Mehar, Aged about 39 years, R/o Kosta Para, Palace Road, Narsingh Mandir Gali, Raipur, Tahsil & District – Raigarh (C.G.)

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through – The Secretary Technical Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Technical Education Department, Govt. Girls Polytechnic Premises, Baryan Baazar, Raipur (C.G.)
3. The Collector, Raigarh
4. Principal, Korodimal Government Polytechnic College, Raigarh (C.G.)

---- **Respondents**

For Petitioner	: Mr. Vinod Deshmukh, Advocate.
For State	: Mr. Ratan Pusty, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

29/01/2018

(1) In the writ petition filed by the petitioner before this Court, this Court, by its order dated 7th July, 2010, has held as under:-

“3. When a petition was filed in the State Administrative Tribunal, seeking a direction to the respondent authorities to issue appointment order, filed in February, 1999, the respondents, by way of return, came out with a plea that though initially the seat was reserved for Other Backward Class category but thereafter, on recalculation of roster, it was found that the same was reserved for a Scheduled Tribe category. However, in support of the same, no documents have been produced by the respondents, except the communication from the respondent No. 4, to the Direction, Technical Education, (Annexure R/8-C). It is not clear as to what was the position of

post of Physical instructor either in the communication (Annexure R/8) and subsequent communication from Director, Technical Education to the Principal, respondent No. 4. This contention of the State that on reconstructing of roster, the post was made reserved for Scheduled Tribe candidate is not supported by any document.

(4) Having regard to the facts of the case, the Director, Technical Education, is directed to look into the matter and pass appropriate order in accordance with law, within a period of two months from the date of receipt of a copy of this order. It would be better if the petitioner makes an application stating all the aforesaid reasons. In case, the application is made within a period of two weeks from today, the same shall be considered and decided within a further period of eight weeks.”

(2) Thereafter, the petitioner has filed an application seeking appointment on the post of Physical Training Instructor before the respondent No. 2 in pursuance of the order of this Court dated 7.7.2010, which has been rejected vide impugned order dated 21/22.10.2010 and no specific reasons have been assigned while rejecting the application.

(3) The State/iits Authorities have filed its return holding that post of Physical Instructor is a single post, which is reserved for Scheduled Tribe category.

(4) I have heard learned counsel appearing for the parties.

(5) This Court in its order dated 7th July, 2010 has clearly held that there is no document on record to show that the post, for which the petitioner has applied, is reserved for Scheduled Tribe category; but the petitioner's application seeking appointment on the post of Physical Instructor has been rejected without assigning any reasons, which is impermissible in law, it ought to have been assigned sufficient reasons while rejecting the application, therefore, the impugned order dated 21/22.10.2010 (Annexure P-1) is liable to be and is hereby set aside.

The matter is remitted back to the respondent No. 2 to consider afresh the case of the petitioner in light of order passed by this Court on 7th July, 2010 and to pass reasoned and speaking order in accordance with law expeditiously preferably within a period of 45 days from the date of receipt of certified copy of this order after hearing the affected parties.

(6) The writ petition is allowed to the extent indicated hereinabove.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

(Sanjay K. Agrawal)

Judge

D/-