

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPS No. 1594 of 2018**

Smt. Maheshwari Shrivastava W/o Sanat Shrivastava, Aged About 38 Years R/o Village Mahmand, Police Station Torwa, Tahsil & District Bilaspur, Civil Revenue District Bilaspur, Chhattisgarh.

**---- Petitioner****Versus**

1. State Of Chhattisgarh, Through Secretary Panchayat And Rural Development Department Mahanadi Bhawan Mantralaya Raipur, P.S. Kewli, Tahsil & District Raipur, Civil, Revenue District Raipur, Chhattisgarh.
2. Chief Executive Officer, Zila Panchayat Bilaspur, Police Station Civil Lines, Tahsil And District Bilaspur, Civil And Revenue District Bilaspur, Chhattisgarh
3. Deputy Director, Zila Panchayat Bilaspur, Police Station Civil Lines, Tahsil & District Bilaspur, Chhattisgarh Civil And Revenue District Bilaspur, Chhattisgarh.

**----Respondents**

|                     |   |                                     |
|---------------------|---|-------------------------------------|
| For Petitioner      | : | Mr. Ratnesh Kumar Agrawal, Advocate |
| For State           | : | Mr. Ashutosh Pandey, Panel Lawyer   |
| For Respondent No.2 | : | Mr. Akhilesh Kumar, Advocate        |

**Hon'ble Shri Justice P. Sam Koshy****Order on Board****13/07/2018**

1. The challenge in the present writ petition is the non-consideration of the petitioner for the post of Secretary, Gram Panchayat in District Bilaspur for which the respondents had issued an advertisement and the petitioner had also applied for the same.
2. The contention of the counsel for the petitioner is that the petitioner has not been granted proper marks for the experience which she has and by virtue of which the petitioner has been allotted less marks and thereby the petitioner stood at serial No.41 in the order of merit. According to the petitioner if proper marks would had been granted on the experience of the petitioner, the petitioner would

have got placed at serial No.1 so far as the women category is concerned and she could have easily got an appointment.

3. The counsel for the petitioner submits that the petitioner as per the respondents themselves has obtained 61.91 marks and has been placed at serial No.41 and the person who is at serial No.25 has secured 64.23 namely Ms. Renu Agrawal. The counsel for the petitioner submits that so far as the allotment of marks is concerned, the same has not been granted in accordance with the guidelines stipulated in the advertisement itself. According to the petitioner, the advertisement itself very specifically has held that so far as the marks for the experience is concerned, 3 marks would be granted for each completed year of service and so far as one year is concerned, any period of 9 months shall be construed to be one year.
4. The counsel for the petitioner submits that the petitioner in the instant case has worked as a Rojgar Sahayak at Mahmand, District Bilaspur between 15.02.2008 to 14.11.2014. An experience certificate in this regard has also been issued by the Chief Executive Officer, Janpad Panchayat, Bilha, which is enclosed as Annexure P/3 with the writ petition. The contention of the petitioner is that this period i.e. 15.02.2008 to 14.11.2014 is of 6 years and 9 months and therefore anything in excess of 9 months, the petitioner was entitled for 3 marks treating that 9 months to be one year and in the process, the experience of the petitioner had to be counted of 7 years, which would have given the petitioner 21 marks instead of 18, which has been provided by the respondents. That further if 3 more marks is added to the marks that she had already scored of

61.91, the marks of the petitioner would become 64.91 and in the process, she would be placed over and above the candidate, whose name reflects at serial No.25 i.e. Ms. Renu Agrawal, who has scored only 64.23 and thereby the petitioner would have become eligible for the employment in the women category (unreserved) by virtue of her coming to the first position in the order of merit so far as women candidates are concerned.

5. The respondents opposing the petition submit that according to the calculation that the respondents have made, the petitioner has not completed 6 years and 9 months. The period of experience of the petitioner is a couple of days short of 6 years and 9 months required for treating that 9 months to be as one year for the purpose of allotting 3 marks. Therefore the petitioner was granted only 18 marks and by virtue of which she has been rightly given the total marks of 61.91 and thus there is no scope of any interference left in this regard and the petition deserves to be rejected.
6. Having heard the contentions put forth on either side, what culls out from the submissions made by the either side is as to whether the period between 15.02.2008 to 14.11.2014 would be 6 years and 9 months plus or it would be 6 years and less than 9 months.
7. The petitioner in the instant case has produced a chart in this regard, which has been taken from the Google ascertaining the period between 15.02.2008 to 14.11.2014 and the Google has given the result of the said period being 6 years and 9 months including both the dates i.e. 15.02.2008 as well as 14.11.2014. This Court also in addition to the chart provided from the Google tried to

calculate the period and this Court found that the duration between 15.02.2008 to 14.02.2014 comes to 6 years and the duration between 15.02.2014 to 14.11.2014 comes to exactly 9 months.

8. If that be so, invoking the selection procedure prescribed in the advertisement, the petitioner would be entitled for the marks for 7 years instead of 6 years, which has been awarded by the respondents and if the marks for 7 years of 21 is calculated, the petitioner would be scoring 64.91 instead of 61.91 as awarded by the respondents and in the process the petitioner would automatically stand placed over and above the candidate whose name reflects at serial No.25.
9. In view of the aforesaid facts this Court is of the opinion that non-granting of the petitioner the additional 3 marks that she was entitled for, for the 9 months period that she had worked between 15.02.2014 to 14.11.2014, the same is bad in law and the petitioner is entitled for the said 3 marks which would bring the total marks of the petitioner to be at 64.91. Let the respondent No.2 accordingly grant the additional 3 marks which she has been denied and thereby consider the case of the petitioner also for appointment.
10. The respondent No.2 was instructed on the previous date to ascertain whether any vacancy is still there or not. The respondent No.2 on instructions affirmed that there is still vacancy available, therefore, the respondent No.2 shall take necessary steps in ensuring granting appointment to the petitioner also subject to her fulfilling all other requisite eligibility criteria.

11. Let this exercise be completed by the respondent No.2 within a period of 60 days from the date of receipt of copy of this order.
12. The writ petition accordingly stands allowed and disposed off.

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

Ved