

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition (S) No.195 of 2018

Ashwani Kumar Sinha, aged about 43 years, S/o Shri B.P. Sinha, R/o
MIG 85, Shivaji Nagar, Distt. Korba (C.G.)

---- Petitioner

Versus

1. The State of Chhattisgarh, through its Secretary, Women and Child Development Department, Mahanadi, Naya Raipur, Distt. Raipur (C.G.)
2. Commissioner, Women and Child Development Department, Mahanadi, Naya Raipur, Distt. Raipur (C.G.)
3. Union of India, through its Secretary, Women and Child Development Department, New Delhi
4. Smt Prabha Dubey, Raipur (C.G.) (For President)
5. Shri Ankit Ojha, Durg (C.G.) (For Member)
6. Shri Arvind Kumar Jain, Kanker (For Member)
7. Shri Dilip Kumar Koushik, Bilaspur (C.G.) (For Member)
8. Smt Indira Jain, Raipur (C.G.) (For Member)
9. Smt Menakshi Tomar, Durg (C.G.) (For Member)
10. Sushri T.R. Shyama, Raigarh (C.G.) (For Member)

Address of Respondents No. 4 to 10 through Avar Secretary, Women and Child Development Department, Mahanadi, Naya Raipur, Distt. Raipur (C.G.)

---- Respondents

For Petitioner: Mr. Parag Kotecha, Advocate.

For Respondents No.1 and 2 / State: -

Mr. B. Gopa Kumar, Deputy Advocate General and
Mr. Shashank Thakur, Govt. Advocate.

For Respondent No.3: Mr. Raj Kumar Gupta, Central Govt. Counsel.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/01/2018

1. Heard.

2. In accordance with the provisions of Section 17 of the Commissions for Protection of Child Rights Act, 2005, the State Government constituted a selection committee for appointment of Chairman and Members of the said Commission. The petitioner applied for the post of Chairman as well as for Member. The meeting of the selection committee was convened on 21-11-2017 in which certain recommendations have been made for the post of Chairman as well as members of the Commission, but name of the petitioner has not been included. He made objection to the State Government and thereafter has filed this writ petition.
3. Mr. Parag Kotecha, learned counsel for the petitioner, would submit that the petitioner is more meritorious than the private respondents and they are not experienced persons therefore inclusion of the names of the private respondents No.4 to 10 is bad and unsustainable in law.
4. Mr. Shashank Thakur, learned State counsel, would submit that the selection committee has only recommended the names to the State Government for consideration and the State Government by order dated 21-11-2017 has invited objections to which the petitioner has responded and already made objection which is under consideration, as such, the petition is premature, as the matter is pending consideration before the State Government.
5. The fact remains that names of private respondents No.4 to 10 have only been recommended for Chairman/Members of the said Commission by the selection committee, no final decision has been taken by the State Government and final decision is yet to be taken by the Government. The petitioner had already raised objection.

Even the State Government, in all fairness, by its letter dated 21-11-2017 invited objections to which the petitioner has responded. At this stage, it is premature to decide the objections of the petitioner in this writ petition. Therefore, the petition as framed and filed is premature and it is accordingly dismissed, *in limine*. However, the petitioner is at liberty to press his objections already made to the State Government. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge

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