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HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (S) NO. 2071 OF 2014**

Ku. Garima Nihlani, D/o Shri Raju Nihlani, aged about 27 years, R/o S-56, Sector-2, Avanti Vihar, Raipur, Police Station- Telibandha, District Raipur (CG)

... **Petitioner**

versus

1. State of Chhattisgarh, through The Secretary, Public Works Department, Mantralaya, New Raipur, PS Rakhi, Dist Raipur, Chhattisgarh
2. The Secretary Department Of Public Health Engineering, Govt. Of Chhattisgarh, Mantralaya, New Raipur, PS Rakhi, Dist Raipur, Chhattisgarh
3. The Secretary, Water Resources Department, Govt. Of Chhattisgarh, Mantralaya, New Raipur, PS Rakhi, Dist Raipur, Chhattisgarh
4. The Engineering In Chief Public Works Department Chhattisgarh, Sihawa Bhawan, Civil Line, Raipur, Dist Raipur, Chhattisgarh
5. Chhattisgarh Professional Examination Board Through The Secretary, Chhattisgarh Professional Examination Board, Dist Raipur, Chhattisgarh
6. Richa Khandelwal D/o Rajesh Khandelwal Through The Public Works Department, Sirpur Bhawan, Raipur, Dist Raipur, Chhattisgarh
7. Katyani Upadhyay D/o Pramod Upadhyay Through The Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Chhattisgarh
8. Pooja Tiwari D/o Dwarika Prasad Tiwari Through The Water Resources Department, Sihawa Bhawan, Civil Line, Dist Raipur, Chhattisgarh
9. Ankirta Joshi D/o Lali Joshi, Through The Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Dist Raipur, Chhattisgarh
10. Jyoti Mahobia D/o Ramesh Mahobia, Through The Public Health Engineering, Raipur, Dist Raipur, Chhattisgarh
11. Chitra Sinha D/o B.N.Sinha Through The Water Resources Department, Sihawa Bahwan, Civil Line, Raipur, Distt Raipur, Chhattisgarh
12. Archana Tamrakar D/o S.K.Tamrakar, Through Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Dist Raipur, Chhattisgarh
13. Triveni Devhari D/o Seva Ram Devhari Through The Public Health Engineering, Raipur, Dist Raipur, Chhattisgarh
14. Anita Bais D/o Beni Singh Bais Through The Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Dist Raipur, Chhattisgarh
15. Priyanka Pandey W/o Rajeev Pandey Through The Water Resources Department, Sihawa Bhawan, Civil Line, Raipur, Dist Raipur, Chhattisgarh
16. Gayatri Vaishnav D/o Sukdev Prasad Through The Public Health Engineering, Raipur, Distt Raipur, Chhattisgarh

... **Respondents**

WRIT PETITION (S) NO. 6432 OF 2014

Sourabh Kumar Rai, aged about 27 years, s/o Shri Janardhan Rai, R/o Katkona Colliery, Type B/09 via Patna, District Korea (C.G.)

... **Petitioner**

versus

1. State of Chhattisgarh, through Secretary, Department of Panchayat and Rural Development, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. Chief Engineer, Rural Engineering Services Development Commissioner Officer, Raipur (C.G.)
3. District Employment Officer, Manendragarh, District Korea (C.G.)

... **Respondents**

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- Mr. Prateek Sharma, Advocate, for the Petitioner.
 - Mr. Chandresh Shrivastava, Panel Lawyer, for the State.
 - Mr. (Dr.) Sourabh Pandey, Advocate, for the Chhattisgarh Professional Examination Board.
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Hon'ble Shri Justice P. Sam Koshy

Order on Board

21/06/2018

1. Since the issue raised in the present two writ petitions is common and the relief sought for also being identical and similar, this Court proceeds to decide both these writ petitions by this common judgment.
2. Challenge in the present writ petition is to the action on the part of the Respondents whereby the candidature of the Petitioners has been rejected for the post of Sub Engineer only on the ground that the Petitioners did not have a live registration certificate of an Employment Exchange as per the condition stipulated in the advertisement.
3. The issue raised by the Petitioners in the instant case is that the requirement of a live registration certificate from the Employment Exchange whether is mandatory or not already stands decided by a judgment of the Hon'ble Supreme Court in the case of **Union of India v. Pritilata Nanda, 2010 (11) SCC 674**. The said issue further stands reiterated by a Full Bench decision of this Court in the case of **State of Chhattisgarh & Ors. v. Roshni Sahu etc., etc.**, decided on 21.10.2016 in W.A. No. 411/2014 and other analogous appeals.
4. On 15.11.2017 and 8.12.2017, this Court had directed the State Counsel to seek instructions as to whether the case of the Petitioners would be covered by the afore referred two judgments. The State has subsequently vide an application dated 21.12.2017 along with an application for taking additional documents on record supported with an affidavit submitted that the case of the Petitioner is similar to the issues decided by the Full Bench in its decision referred to above.
5. In view of the categorical position that the State has taken in their application dated 21.12.2017 accepting the fact that the case of the Petitioners squarely stands covered by the above referred Full Bench decision, this Court is of the opinion that nothing further remains to be adjudicated upon in the instant cases and the writ petitions in the light of the afore referred decision of the Full Bench of this Court as

also the decision of the Hon'ble Supreme Court deserves to be and are accordingly allowed and the rejection of the candidature of Petitioners, if any, by the Respondents the same stands set aside/quashed.

6. It is directed that the Respondents shall consider the candidature of the Petitioners for appointment to the post of Sub Engineer (Civil) in accordance to the merits of the Petitioners with all consequential benefits. It is made specific that the Petitioners would have to be treated at par with the persons appointed from the same recruitment process in which the Petitioners had participated.

7. Both the writ petitions stand allowed and disposed of accordingly.

Sd/-
(P. Sam Koshy)
Judge

/sharad/