

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 3177 of 2018**

Rajiv Shriwas S/o Shri Laxminarayan Shriwas Aged About 37 Years
R/o C/o Mr. Ashok Sen, F-2, Babji Nagar, Near Arya Colony Tifra
Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Additional Principal Secretary, Department Of Panchayat And Rural Development, New Mantralaya Mahanadi Bhawan Naya Raipur Chhattisgarh.
2. Director Panchayat, Directorate Of Panchayat Indrawati Bhawan Naya Raipur, Chhattisgarh
3. Zila Panchayat, Bilaspur, Through Its Chief Executive Officer, Composite Building Near Nehru Chowk Bilaspur Chhattisgarh.
4. Sharad Pandey S/o Amrit Lal Pandey Aged About 38 Years R/o Behind Nandu Garage, Telipara, Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. Varun Sharma, Advocate
For State	:	Mr. Aushutosh Pandey, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****20/04/2018**

1. With the consent of the parties the matter is heard and finally disposed.
2. The counsel for the petitioner submits that the candidature of the petitioner has been rejected only on the ground that the petitioner on the last date of submission of the application did not have the requisite length of experience. However the last date of submission of application was subsequently enhanced by the State Government itself by the order dated 26.03.2018 and by that time the petitioner had already attained the requisite length of experience and the same has also been submitted.
3. Perusal of the record would show that the petitioner in fact had obtained the length of service of 5 years required before the last date

of submission of the application i.e. on 26.03.2013 and therefore for all technical and practical reasons, the petitioner would be held to be eligible for being considered and it has to be construed as if the petitioner has requisite length of experience.

4. The view of this Court stands fully fortified from the judgment of Hon'ble Supreme Court in the case of “***Dolly Chhanda v. Chairman, JEE and Others***” reported in ***(2005) 9 SCC 779***.
5. The view of this Court stands further strengthened from the decision of the Hon'ble Supreme Court in the case “***Dipitimayee Parida v. State of Orissa & Ors.***” reported in ***(2008) 10 SCC 687*** and also in the case of “***Rekha Chaturvedi v. University of Rajasthan & Ors.***” reported in ***[1993 Supp. (3) SCC 168]***
6. In view of the aforesaid facts and circumstances of the case, this Court does not intend to keep the petition pending, rather ends of justice would meet if the writ petition is allowed to the extent that the finding of the respondents in holding that the petitioner not having the minimum eligibility criteria to be bad in law and the same is set-aside and the respondents are directed to consider the case of the petitioner also in the selection process along with the other eligible candidates.
7. The writ petition accordingly stands disposed off.
8. It is made clear that the case of the respondent no.4 shall not be finalized by the respondents till the petitioner's claim is also considered on merits in accordance with the rules and the conditions applicable.

Sd/-
(P. Sam Koshy)
Judge