

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 3391 of 2018

Dali Dewangan D/o Mahesh Kumar Dewangan, Aged About 30 Years,
R/o Nayapara Ward No. 1, Narayanpur, Tehsil And District Narayanpur
Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh.
2. Collector-Narayanpur, Through The Office Of Collector- Narayanpur, District Narayanpur Chhattisgarh.
3. Deputy Collector Narayanpur, District Narayanpur Chhattisgarh.

---Respondents

For petitioner	:	Shri Shobhit Koshta, Advocate.
For State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

25/04/2018

1. The grievance of the petitioner in the instant Writ Petition is that for recruitment to the post of Assistant Grade-III that he had applied for, 20 marks were allotted for the past experience. The petitioner has been denied the said marks of experience on the ground that she has not been able to provide the order of appointment.
2. The counsel for the petitioner submits that the petitioner along with her application had produced the experience certificate issued by the Chief Municipal Officer of Municipal Council, Narayanpur whereby he has certified

the petitioner having worked as a Placement Employee from 01/04/2010 till the issuance of certificate on 21/10/2016.

3. The counsel for the petitioner submits that, since her status was that of a Placement Employee, no formal order of appointment was issued in her favour. However, she can substantiate her experience by providing salary vouchers for the intervening period so also the documents pertaining to the attendance of the petitioner in between with which the respondents should be satisfied that she has sufficient experience.

4. So far as the merit of the case is concerned, the petitioner in the order of merit stood at Sr.No.3. The total number of post advertised were 1. In case if 20 marks for the past experience is provided to the petitioner, she would be eligible for participating in the skill test and a fresh merit list would be prepared, but the petitioner at this juncture has been declared ineligible from further participation in the recruitment process.

5. Perusal of record would show that the petitioner has infact produced the experience certificate which has been issued by the Chief Municipal Officer of the Municipal Council, Narayanpur. The said certificate ought to have been consider by the respondents for the purpose of granting marks towards the past experience of the petitioner. If for any reason the respondents had doubted the veracity of the document of Municipal Council, Narayanpur, the respondents should have got it verified or should have directed the petitioner to get it verified or produce sufficient evidence to substantiate the same.

6. Another aspect which cannot be lost sight of is that, same respondents in an earlier round of recruitment had accepted the same document and had granted full marks to the petitioner for his past experience, but for want of sufficient vacancy the petitioner could not be granted employment then.
7. Given the aforesaid facts and circumstances of the case, let the respondent No.2 subject to the petitioner producing proof of employment with Municipal Council, Narayanpur shall if on the employment being proved and substantiated would reconsider the case of the petitioner and after granting her marks on the basis of experience that she has worked with the Municipal Council, a skill test be conducted so far as the petitioner is concerned and thereafter the petitioner shall be placed along with the other candidates on the basis of the result of the skill test.
8. The respondent No.2 before calling the petitioner to skill test shall call upon the petitioner to produce documents with which the petitioner can prove her employment with the Municipal Council, Narayanpur.
9. Subject to the petitioner fulfilling the aforesaid requirement, the respondent No.2 shall consider the case of the petitioner for further recruitment process.
10. It is expected that the respondent No.2 shall forthwith consider the case of the petitioner and till the petitioner's case is not decided the further recruitment process shall be kept in abeyance.

11. The Writ Petition accordingly stands allowed and disposed off.

Sd/-

(P. Sam Koshy)
JUDGE

Sumit