

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 526 of 2018**

Rekhram Sahu S/o Shri Jagannath Sahu, Aged About 38 Years R/o Village Bodela Post Tumdibod, Post Tumdibod P.S. And Tehsil Doongargaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare, Mantralaya, New Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Director, Directorate Health Services, Pension Bada, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents**WA No. 527 of 2018**

1. Madhusudan Dhuri S/o Shri Parsuram Dhuri, Aged About 36 Years R/o Chantidih Kissanpara, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
2. Omprakash Nirmalkar, S/o Shri Netram Nirmalkar, Aged About 36 Years R/o Village Pandariya, Post Office Takhatpur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
3. Gajadhar Sinha, S/o Shri Tukaram Sinha, Aged About 35 Years R/o Buteda, Post Dewari Bhata, Post And Tehsil Khairagarh, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh
4. Santosh Kumar Sahu, S/o Khem Lal Sahu, Aged About 41 Years R/o Vil. Katulord P.S. And Tehsil Dongargaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

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2. Director, Directorate Health Services, Pension Bada, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

For Appellant : Shri Waquar Naiyer, Advocate
 For Respondent/State : Shri UNS Deo, Government Advocate.

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Thottathil B. Radhakrishnan, Chief Justice

18/06/2018

1. These two writ appeals arise from a common order issued by the learned Single Judge on a similar issue. Heard the learned counsel for the Appellant and the learned Government Advocate.
2. The Appellants claimed that the qualification they had, ought to be treated as equivalent to that of Multi-Purpose Health Worker (Male). That was repelled by the writ Court on 8.8.2013. That verdict was confirmed by the Division Bench as well. However, the Petitioners therein were given an opportunity to make a representation to Government. That was also rejected by the Government. Thereafter, the writ petitions from which the present writ appeals arise were filed. The relief sought for was on the premise that an advertisement issued by the State Government in 2012 still survives and no recruitment had taken place and if recruitments were to happen otherwise than by approving the qualification of the Petitioners that will be against their interest. The learned Single Judge found that the substantive right of the Petitioners in relation to the issue of qualification having already been concluded in the earlier round of litigation, there is no reason to hold that the Petitioners' plea to direct recruitment in terms of the 2012 advertisement was to be ordered.
3. The learned Single Judge, in our view, was abundantly justified on the scales of justice in dismissing the writ petitions. We do not see any error of jurisdiction or illegality to visit the said decision of the learned Single Judge through these intra-Court appeals under the provisions of Section 2(1) of the High Court (Appeal to Division Bench) Act, 2006.
4. These writ appeals are dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE