

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.3553 of 2013**

Smt. Rukmani Devi Rathore, W/o Bhagwan Singh Rathore, aged about 29 years, R/o Village Budhwara, P.S. and Tahsil Lormi, Revenue District Mungeli, Civil District Bilaspur (CG).

---- Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Health Department, Mahanadi Bhawan, Naya Raipur, District Raipur (CG).
2. Collector, Mungeli, District Mungeli (CG).
3. Chief Medical and Health Officer, Mungeli, District Mungeli (CG).
4. Ku. Purnima Sahu, D/o Rajaram Sahu, aged about 21 years, R/o Village Jamtuhi, Post Khairwar, Revenue District Mungeli, Civil District Bilaspur, P.S. Lormi (CG)

--- Respondents

For Petitioner	: Mr. Awadh Tripathi, Advocate
For State	: Mr. R.N. Pusty, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

03/01/2018

(1) Learned counsel appearing for the petitioner would submit that though the petitioner is more meritorious candidate than the respondent No.4, but her candidature has been rejected by the respondent No.3 on the ground that she was not having live registration in the office of Employment Exchange on the last date of submitting the application whereas she was having live registration in the office of Employment Exchange of Mungeli District Mungeli issued

by District Employment Officer, Mungeli, therefore, rejection of her candidature is unsustainable and bad in law.

(2) Per contra, learned counsel appearing for the State would support the impugned order and oppose the submission made by the learned counsel for the petitioner.

(3) I have heard learned counsel for the parties, considered their rival submission made herein above and also gone through the impugned order with utmost circumspection.

(4) It is apparent from the record that as per condition No.4 of the advertisement was that candidate must have live registration certificate before the date of publication of advertisement in the office of employment exchange and preference would be given to the candidate who has registered in the Employment Exchange at Mungeli District Mungeli.

(5) It appears from the record that the petitioner was having live registration certificate in the office of employment exchange on the date of publication of advertisement which is apparent from the document filed by the petitioner but it appears that this fact has not been considered and decided by the respondent No.3 properly and impugned order has passed, therefore, it would be appropriate to set the impugned order and it is hereby set aside. The matter is remitted back to the Collector, District Mungeli who shall reconsider the case of the petitioner and pass order afresh after noticing the respondent No.4 strictly in accordance with law within a period of two months from the date of production of copy of this order. The petitioner is at liberty to

file documents demonstrating that she had having live registration as required by the advertisement and also rely upon the judgment rendered by Full Bench of this Court on the point of live registration.

(6) With the aforesaid observation, the writ petition stands finally disposed of. No order as to costs.

Sd/-

(Sanjay K. Agrawal)
Judge

L/-