

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO. 4551 OF 2018**

Smt. Kavita Patel W/o Dr. Basant Kumar Patel, Aged About 31 Years R/o Village Mahapalli, Post Loing, P.S. Raigarh, District Raigarh, Chhattisgarh.

...Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Department of Panchayat And Rural Development, Mahanadi Mantralaya, Naya Raipur, District Raipur, Chhattisgarh.
2. The Commissioner, Mahatma Gandhi NREGA, State Office, Indrawati Bhawan, Naya Raipur, Post Office And Police Station Naya Raipur, District Raipur, Chhattisgarh..
3. The Collector, Cum District Project Officer, Mahatma Gandhi, N.R. E.G.A. District Raigarh, Chhattisgarh.
4. District Panchayat Raigarh, Through The Chief Executive Officer, District Panchayat Raigarh, Chhattisgarh.
5. District Panchayat, Mahasamund, Through The Chief Executive Officer, District Panchayat Mahasamund, Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri Vivek Kumar Agrawal, Advocate.
For Respondent-State	:	Shri Shashank Thakur, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

12.07.2018

1. With the consent of the parties, the matter is heard finally.
2. The prayer sought for by the petitioner is for a direction to the respondents not to treat the contents of letter dated 01.06.2018 (Annexure P/1) as disqualification on the part of respondents in recruitment process initiated by the respondents for the post of Assistant Project Officer in the different Zila Panchayats in the State of Chhattisgarh.

3. The grievance of the petitioner is that, recently in district Mahasamund an advertisement was issued for filling up the post of Assistant Project Officer in which the petitioner had also applied and she had scored the maximum marks i.e. 74.46, but she has not been considered for appointment on account of an opinion rendered by the Chief Executive Officer, Zila Panchayat, Raigarh on 01.06.2018 which discloses certain show cause notices which were issued to the petitioner while working as Assistant Project Officer at Raigarh. He further submits that now that Zila Panchayat, Raigarh again has published a fresh advertisement for filling up the post of Assistant Project Officer and the petitioner intends to participate in the same, but she apprehends that the contents of Annexure P/1 dated 01.06.2018 may be taken into account by the authorities as an impediment for considering her case for appointment as the same is stigmatic order. The said opinion may cause hindrance in her employment prospects on the post of Assistant Project Officer in the different districts in the State. Therefore, the petitioner makes a limited prayer that the respondents may be directed that they should not form an opinion on the petitioner's credential only based upon letter dated 01.06.2018 Annexure P/1, issued by the Zila Panchayat, Raigarh.
4. In support of contention, the petitioner submits that the petitioner has performed her duties as Assistant Project Officer with the Zila Panchayat, Raigarh from 23.01.2014 till 23.02.2018 i.e. four years. During the entire period of four years the petitioner has never been subjected to any punishment nor has the respondents proceeded

further with any of the show cause notice which stands reflected in Annexure P/1.

5. Lastly it was submitted that even the ACRs of the petitioner would show that she has been graded "Very Good" by the officers concerned including the Chief Executive Officer under whom she had worked. Therefore, merely because there were some show cause notice issued or some false complaint made against the petitioner by itself should not stand as disqualification for the petitioner for future employment.
6. The State counsel opposing the petition submits that letter dated 01.06.2018 (Annexure P/1) is nothing but only is an information provided by the previous employer to the Chief Executive Officer, Zila Panchayat, Mahasamund. The letter does not, in any manner, project the petitioner to be dis-entitled from any recruitment or for the post of Assistant Project Officer. Thus, prayed for rejection of the petition.
7. Be that as it may, indisputably from the averment made by the petitioner it would clearly reflect that the petitioner till date has not been subjected to punishment while she was discharging her duties as Assistant Project Officer at Raigarh. The ACRs enclosed with the writ petition show that she has been graded "Very Good" during the intervening period. Moreover, there is no document or even letter dated 01.06.2018 (Annexure P/1) does not disclose of any action taken on different show cause notices.
8. Given the aforesaid facts and circumstances only because there were some complaints or some show cause notices issued by itself

would not be a ground for disqualification of the petitioner from participating in any of the further recruitments. Therefore, it is made clear that the respondents are restrained from using letter dated 01.06.2018 (Annexure P/1) and treating the petitioner disqualified from any further recruitment process which the respondents intend to conduct.

9. The writ petition to that extent stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge