

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 5178 of 2018**

Sunil Kumar Sewte S/o Shri Samman Lal Sewte Aged About 42 Years, R/o Gali No. 2, Jabdapara, New Sarkanda, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of Law, Mantralay, Mahanadi Bhawan, Naya Raipur, District Raipur, Chhattisgarh
2. Advocate General, High Court Premises Bodri, Bilaspur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri K. P. S. Gandhi, Advocate
For State	:	Shri Majid Ali, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****13.08.2018**

The grievance of the petitioner is that he is working in Class-IV category in the office of Respondent no.2 and in spite of the fact that he is entitled for promotion to Class-III category and there being vacancies, the respondents are not filling up the post against the number of percentage reserved for the category of promotion within the department from Class-IV to Class-III.

2. The issue involved in the case does not need an adjudication as this Court on an earlier occasion in WPS 2760/2015 and WPS 3360/2015 on

16.11.2017 had allowed the writ petitions holding as under:

“13. Thus, once when by virtue of the order dated 31.10.2002, the State of Chhattisgarh having held that all the circulars, memos and direction issued by the undivided State of Madhya Pradesh would be applicable in the State of Chhattisgarh as well, the petitioners also in the instant case would be entitled for the same treatment wherein they should also be considered for the post of Assistant Grade-III wherein the percentage of posts available to them should be taken as 25% as and when the next vacancy arises.

14. Accordingly, the present writ petition stands allowed and disposed off with a direction tot he respondent no.1 that, as and when the next recruitment to the post of Assistant Grade-III would be conducted in the Law and Legislative Department, the case of the petitioners would also be considered keeping the total number of post available to them at 25% in accordance to the circular dated 23.05.1996.”

3. Given the aforesaid directions by this Court, this Court is inclined to dispose of the present writ petition also in similar terms in as much as once when there is already an order passed by this Court directing the respondents to consider the case of the petitioners in those writ petitions in the subsequent recruitment by allotting 25% of the posts to be filled up among Class-IV category employees working with the respondents, present writ petition also deserves to be and is accordingly disposed of. Subject to the verification of the credentials including seniority of the petitioner, the respondents as and when a fresh recruitment is conducted for the post of Assistant Grade-III shall also consider the claim of the petitioner if he otherwise fulfills all other requisite eligibility criteria as a candidate for 25 % of the total post that would be available for being filled up from the Class IV category.

**Sd/-
P. Sam Koshy
Judge**