

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 812 of 2018

*(Arising out of order dated 19.11.2018 passed by the learned Single Judge in
WPS No. 3104 of 2017)*

- Umang Gauraha S/o Umesh Gauraha Aged About 26 Years Songanga Colony, Seepat Road Police Station Sarkanda, Tahsil- Bilaspur, District- Bilaspur, Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
2. Zila Panchayat Bilaspur Through The Chief Executive Officer, Zila Panchayat, Bilaspur, District- Bilaspur, Chhattisgarh.
3. The Director Pradhan Mantri Awas Yojna Rural Office Of Development Commissioner, Chhattisgarh, First Floor, Block No. 2, Room No. 33, C Raipur, District- Raipur, Chhattisgarh.
4. Development Commissioner Pradhan Mantri Awas Yojna Rural Office Of Development Commissioner, Chhattisgarh First Floor, Block No.2, Room No. 3, C V I, Indravati Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh
5. Sonika Sharma D/o Subhas Sharma Aged About 26 Years R/o Indu Chowk, Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Prateek Sharma, Advocate
For Respondents/State	:	Shri Prafull N. Bharat, Additional Advocate General
For Respondent No.5	:	Ms. Sangeeta Mishra, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board

Per, Ajay Kumar Tripathi, Chief Justice

13.12.2018

1. Heard counsel for the Appellant and counsel for the private Respondent No.5 as well as the State.
2. Private Respondent filed a writ application challenging the selection or appointment of the present Appellant on the post of District Coordinator, Zila Panchayat, Bilaspur. Her contention in the writ application was that the Appellant, who was the private Respondent in the writ application, lacked the basic eligibility, both in respect to the experience as well as the fact that he had

applied in more than one district which was not permissible in terms of the advertisement.

3. Learned Single Judge examined the materials on record and found that the allegation of the Appellant not having the requisite experience seems to have been made out because the experience of three years have to be acquired after obtaining B.E. (Civil) degree and not any experience which have been gained or procured prior to completion of the course. Another finding with regard to having applied for more than two places was also established. Therefore, the appointment or selection of the Appellant was set aside and direction was issued to consider the claim of the private Respondent for such selection.
4. The Appellant naturally is aggrieved by the order dated 19.11.2018 since his engagement or appointment on the post of District Coordinator under the Zila Panchayat, Bilaspur has been annulled.
5. Argument is made, which was also made before the learned Single Judge that the private Respondent or the Petitioner could not maintain the writ application because she herself had been declared to be unqualified and she did not really pray for any relief in the applications which she had filed before the concerned authorities raising grievance against the selection of the Appellant.
6. It was pointed out that in the skill test, the private Respondent was shown to have been not qualified and that was good enough to ensure that even she was kept out of the purview of consideration even if the case of removal of the Appellant was held to be otherwise valid.

7. So far as the experience part of the Appellant is concerned, the finding is that the experience of three years after passing of the B.E. (Civil) examination is not established and to that extent any experience acquired prior to completion of the course cannot be included or taken into consideration to be valid experience for such selection.
8. To that extent, we do not find any error in the view taken by the learned Single Judge.
9. So far as the direction with regard to consideration of the private Respondent is concerned, she was the 2nd in the merit list after the present Appellant and if the selection or appointment of the Appellant was held to be bad, she had a right for consideration.
10. Counsel for the private Respondent further submits that an effort has been made to create a smokescreen on the basis of a so called result of skill test because passing or failing in the skill test was of no consequence. Clause 11 of the advertisement itself indicates that it is the marks which was awarded in the skill test which was required to be added and there was no minimum cut off for passing the skill test which could have a bearing on the final merit list prepared.
11. We do not feel that the learned Single Judge, therefore, has committed any error by allowing the writ application of the private Respondent and granting the relief which has been done in the given facts.
12. Appeal has no merit. It is dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge