

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 289 of 2017***(Arising out of order dated 02.01.2017 passed by the learned Single Judge in WPS No.2701 of 2016)*

- Saurabh Thakur S/o Late Shri Johar Lal Thakur, Aged About 30 Years R/o C/o Shri Vikas Thakur, Nearby Government Girls Higher Secondary School, Lattipara, Kanker, P.S. Kanker, District Kanker, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary Department Of Technical Education, Man Power And Planning, Mahanadi Bhawan, Mantralaya, Naya Raipur, Raipur, Chhattisgarh
2. The Director, Directorate Of Technical Education, Women Polytechnic Campus, Bairan Bazar, Raipur, Chhattisgarh
3. Chhattisgarh Public Service Commission, Through Its Secretary Shankar Nagar Road, Raipur, Chhattisgarh
4. Government Polytechnic College, Narayanpur, Through Its Principal, Tribunal Rest House, Bakhrupara, Narayanpur, Chhattisgarh

---- Respondents

For Appellant	:	Shri Ishan Verma, Advocate
For Respondents/State	:	Smt. Fouzia Mirza, Additional Advocate General

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice**Hon'ble Shri Goutam Bhaduri, Judge****Judgment on Board****Per, P. R. Ramachandra Menon, Chief Justice****21.06.2019**

1. The Petitioner has moved to this Court with the following prayers :

“3.1 Kindly be please t set aside / quash the order dated 02.01.2017 passed in W.P.S 2701/2016 (Saurabh Thakur V. State of C.G. & Other)

3.2 Kindly be pleased to issue an appropriate Writ directing the respondents to produce all the relevant records pertaining to the case of appellant, if the Hon'ble court may so desire.

3.3 Kindly be please to issue suitable writ, thereby Respondent authorities be directed to keep one post of Lecturer (I. T.) vacant for the appellant, as respondent NO. 3 had already conducted examination on 22.05.2016 in compliance of the advertisement date 15.07.2015 as well 23.12.15 (Annexure P-1) Colly.

3.4 Kindly be pleased to direct the respondent authorities to allow the appellant to discharge their respective duties till the final disposal of the writ appeal.

3.5 Kindly be pleased to direct the Respondents to regularise the service of the appellant on respective post, on which they are presently working.

3.6 Kindly be pleased to issue any other order or orders, writ or writs, direction or directions as this Hon'ble Court may deem fit in the facts and circumstances of the case in favour of the appellant, in the interest of justice.”

2. We have heard the learned counsel representing the Petitioner and the learned Additional Advocate General as well.
3. Regularisation in service of the Lecturers working in the Government Engineering Colleges and some Government Polytechnics in the State was the subject matter of consideration in various writ petitions filed before this Court. The advertisement issued in the year 2015, whereby the Respondents initiated steps for filling the post of Lecturer in various disciplines against the regular sanctioned posts lying vacant in the colleges was also under challenge in the said proceedings. The matter was hotly contested by the State and after hearing, the writ petitions were dismissed by a Learned Single Judge of this Court as per common judgment dated 02.01.2017. This made the appellant aggrieved and hence the writ appeal.
4. Several appeals came to be filed against the common verdict. These appeals were taken up together and a thread bare analysis was made by a Bench of this Court. After the final hearing held on 23.10.2018, the appeals were allowed as per the common judgment dated 07.12.2018, whereby the orders under challenge were set aside, including the verdict passed by the Learned

Single Judge. The appellant seeks for similar relief as flowing from the said judgment.

5. The Learned Additional Advocate General submits that the issue has not become final and that the common verdict passed by the Bench in Writ Appeal No. 14 of 2017 and connected cases has already been subjected to challenge by filing Special Leave to Appeal (C) No.(s) 7864-7889/2019 before the Apex Court. The matter was considered and the cases have been admitted issuing notice, wherein an interim order has also been passed that no proceedings for the alleged non-obedience of the judgment of the High Court shall be pursued during the pendency of the matter. A copy of the said order is placed for perusal before this Court and we have gone through the same.
6. In the above circumstances, we are of the view that this matter need not be kept pending before this Court. It is disposed off accordingly in the terms of the common judgment dated 07.12.2018 passed by this Court in Writ Appeal No. 14 of 2017 and connected cases. However, it is made clear that fate of the appellant shall depend upon the final verdict to be passed by the Apex Court and further steps could be pursued by the State based on the outcome of the proceedings which are now pending before the Apex Court. In other words, no separate proceedings do require to be filed by the State with regard to the cause of action projected by the Appellant herein, in relation to the verdict under challenge.

Sd/-
(P.R. Ramachandra Menon)
Chief Justice

Sd/-
(Goutam Bhaduri)
Judge