

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 2206 of 2009**

Umed Lal Jaiswal S/o Chainuram Jaiswal, aged about 42 years, Occupation Block Education Officer, Patharia, R/o village and Post Ramhepur (N) Tahsil Lormi, District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

1. State of Chhattisgarh, Through Secretary, School Education Department, Mantralaya, Dau Kalyan Singh Bhawan, Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission Raipur, Through Chairman, Chhattisgarh Public Service Commission, Shankar Nagar Road, Raipur, Chhattisgarh.
3. Mission Director, Rajiv Gandhi Shiksha Mission, Chhattisgarh, Vivekanand Nagar, Raipur, Chhattisgarh.
4. Mr. B.P.Kashyap, the then Exam Controller of Public Service Commission, presently working as Assistant Professor Govt. D.B. Girls College, Kalibadi, Raipur, Chhattisgarh.
5. Chief Medical Officer, Mahasamund, Chhattisgarh.
6. Principal, Govt. B.Ed. College, Shankar Nagar, Raipur, Chhattisgarh.
7. Principal, Higher Secondary School, Amlipadar, Deobhog, District Raipur, Chhattisgarh.
8. Hemant Upadhyay S/o Y.C.Upadhyay, aged about 42 years, Occupation Deputy Director, Education Public Instruction, Raipur, Chhattisgarh.
9. Ramnivas Singh, Deputy Director, State Council of Education Research and Training, Raipur, presently working as Personal Assistant to Hon'ble Minister of School Education.
10. R. Bambra W/o G.S.Bambra, aged about 56 years, Occupation District Education Officer, Raipur, Chhattisgarh.

11. Gendram Chandrakar S/o Arjun Lal, aged about 47 years, Occupation Joint Director, Rajiv Gandhi Shiksha Mission, Chhattisgarh, Vivekanand Nagar, Raipur, Chhattisgarh.
12. Dr. Rajendra Prasad Yadu S/o Shri H.L.Yadu, aged about 44 years, R/o Jawahar Navodaya Vidhyalaya, Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Amrito Das, Advocate.
For Respondent No. 1/State	: Shri Jitendra Pali, Deputy Advocate General and Shri Faiz Kazi, Panel Lawyer.
For Respondent No. 2/CGPSC	: Shri Y.C.Sharma and Shri B.D.Guru, Advocates.
For Respondent No. 4 & 11	: Shri R.K.Kesharwani, Advocate
For Respondent No. 8	: Shri Prateek Sharma, Advocate.
For Respondent No. 9	: Shri Rajeev Shrivastava, Advocate

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice

Order on Board

28/02/2019

1. Heard learned counsel for the Petitioner and the learned counsel for the Respondents.
2. List of the candidates otherwise qualified for promotion to the post of Deputy Director came to be issued by the Chhattisgarh Public Service Commission (for short 'the CGPSC') in terms of the directions made on adjudication in a batch of writ petitions, one of them being Writ Petition (S) No. 599 of 2005, decided on 16.11.2005.
3. On the basis of the said decision and direction of the writ Court, the CGPSC re-issued the list of eligible persons who were to be appointed and have been appointed and they have been working as such for more than a decade and a half.
4. Merely because the Petitioner chose to file the present writ application alleging things as to the award of marks etc. to the selected candidates, the

same is not required to be entertained because the option available to him was to assail the order of the learned Single Judge at whose directions the fresh list of Deputy Directors were notified by the CGPSC with only one rectification since nothing adverse was found in the previous list as such and they have been holding the post since then.

5. The writ application therefore is dismissed being devoid of merit. Any indulgence would amount to review of the earlier order of a coordinate Bench, if not re-adjudication.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE