

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**Writ Petition (S) No. 1516 of 2019**

Smt. Sahodra Jaiswal Earlier Sahodra Dansena W/o Fuleshwar Jaiswal, Aged About 31 Years, Working As Peon At Government Middle School, Jhitipali, Block Kharsiya, District - Raigarh Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Tribal Welfare Department, Mantralaya Mahanadi Bhawan, Atal Nagar Raipur, District - Raipur Chhattisgarh
2. Commissioner, Tribal Welfare Department, Indrawati Bhawan Atal Nagar Raipur, District – Raipur, Chhattisgarh
3. Collector, Tribal Development Branch Raigarh, Raigarh Chhattisgarh
4. Assistant Commissioner, Tribal Welfare Department Raigarh, Raigarh Chhattisgarh

---- Respondents

For Petitioner	:	Mr. C. Jayant K. Rao, Advocate
For State	:	Mr. Rahul Mishra, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/03/2019**

1. The claim of the petitioner through the present writ petition is for a direction to the respondents to consider the case of the petitioner for seniority at par with the persons who had been appointed along with her.
2. The case of the petitioner is that she along with few other persons were appointed on Class-IV posts on 14.11.2006 by way of

compassionate appointment. The services of the petitioner stood regularized in 2009. The grievance of the petitioner is that few of the persons who were appointed along with her were regularized in the year 2008 and thereby the petitioner has lost her seniority.

3. The Court on perusal of record finds that in the order of appointment, the name of petitioner appears at serial no.8. The persons who have been regularized in 2008 are the persons whose name finds place at serial no. 1 to 6. It appears that the regularization has been done subject to the availability of vacancy. The petitioner has not been able to show as to whether any person whose name finds place beneath the petitioner has been regularized earlier to her. In the absence of which it cannot be said that the action on the part of the respondents is with malafide intention.
4. The regularization would always be done taking into consideration the seniority of the person whose name finds place in the list. The persons who have been given regularization in 2008 are the persons whose name finds place above the petitioner in the list. Thus, this Court does not find any strong case made out by the petitioner.
5. The writ petition thus fails and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge