

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6155 of 2010

1. Ku. Ekta Gupta D/o M.G. Gupta, Aged about 26 years, R/o. Ashirwad 26, Road No.3, Vardhaman Nagar, Rajnandgaon, Chhattisgarh
2. Prem Narayan Verma S/o Shri G. Verma, Aged about 62 years, R/o. Mill Chawl, District Rajnandgaon Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh through: Secretary, Cooperative Department D.K.S. Bhawan, Mantralaya, Raipur, District Raipur, Chhattisgarh
2. Registrar, Co-Operative Societies Raipur, District Raipur Chhattisgarh
3. Zila Sahakari Kendriya Bank Maryadit, Through Chief Executive Officer, Rajnandgaon Chhattisgarh
4. Ku. Rashmi Tiwari, D/o. Keshav Prasad Tiwari, Posted as Clerk, Zila Sahkari Kendriya Bank Maryadit, G.E. Road, Rajnandgaon, Chhattisgarh
5. Radheshyam Ambade, S/o. Bahadur Singh Ambade, Posted as Clerk, Zila Sahkari Kendriya Bank Maryadit, G.E. Road, Rajnandgaon, Chhattisgarh
6. Gajendra @ Rajendra Kumar Bharadwaj S/o Shri Bedram Bharadwaj, Clerk Cum Computer Operator, Zila Sahakari Kendriya Bank Maryadit, GE Road, Rajnandgaon Chhattisgarh
7. Haji Sheikh Taukir, S/o. Sheikh Lal Mohammad, Posted as Society Manager, Zila Sahkari Kendriya Bank Maryadit, G.E. Road, Rajnandgaon, Chhattisgarh
8. Kamlesh Kumar Jangde, S/o. Sevaram Jangde, Posted as Society Manager, Zila Sahkari Kendriya Bank Maryadit, G.E. Road, Rajnandgaon, Chhattisgarh

---Respondents

For Petitioners	:	Mr. A.K. Patil, Advocate
For State	:	Mr. Ayaz Naved, G.A.
For Respondents No. 3 & 6	:	Mr. Shashi Bhushan Tiwari, Advocate
For Respondents No. 4, 5, 7 & 8	:	Mr. S.S. Baghel, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2019

1. The present writ petition has been filed quashing the appointments made under the respondent No.3 on the post of Clerk-cum-Computer Operator and Society Manager. Initially at the time when the petition was filed, only 5 selected candidates were made a party. Today, when the writ petition is

taken up for hearing, the counsel for the petitioners submits that so far as the respondents No. 4 & 8 are concerned, they have not joined the services. So far as the respondent No.5 is concerned, the contention of the petitioner is that he has left the service by tendering resignation and so far as the respondent No.7 is concerned, the submission of the counsel for the petitioners is that his services have been terminated.

2. The only private respondent left is that of respondent No.6 against whom the contention of the petitioner himself is that on an inquiry, the allegations leveled against him was found to be disproved as the two persons Gajendra and Rajendra were found to be the same person and Gajendra was also known as Rajendra. Thus the allegation against him stands disproved. As such the grievance of the petitioner so far as the private respondents are concerned, stands redressed as the respondents No. 4, 5, 7 & 8 are no longer in employment.
3. At this juncture, the counsel for the petitioners submits that in fact there have been other irregularities in respect of the other candidates appointed on the post of Clerk-cum-Computer Operator and Society Manager. However, this Court finds that none of those selected candidates have been made a party in the present writ petition. As early as on 22.11.2018, the petitioners had taken time for moving appropriate application for impleading all the selection candidates whose appointments the petitioner is challenging. Though almost 10 months have lapsed, the petitioners have not moved any application for impleading any of those selected candidates.
4. In the absence of selection candidates, whose appointment petitioner challenges or is being questioned by the petitioner, is made a party and those selected candidates are given an opportunity of hearing, the present writ petition itself would not be maintainable and it cannot be entertained.

Entertaining of the writ petition without impleading the selected candidates would lead to a situation where the writ petition if it is allowed would mean the services of those selected candidates getting terminated without they being aware of such a proceeding before this Court.

5. The Hon'ble Supreme Court time and again have held that unless the selected candidates are on record or the candidates, whose appointment/ promotion is under challenge is made a party to the proceedings. Their appointments or promotions cannot be subjected to judicial review in writ proceedings.
6. The writ petition for the aforesaid reasons is not maintainable and the same stands rejected on this ground alone.

Sd/-
(P. Sam Koshy)
Judge

Ved