

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 1972 of 2019

1. Trilok Kumar Patel S/o Shri Shiv Charan Patel, Aged About 39 Years, R/o Sector 25, Qtr. No. C - 200, Police Station Rakhi, Atal Nagar, Raipur Chhattisgarh
2. Doman Lal Sahu S/o Shri T R Sahu, Aged About 31 Years, R/o Village Paktiya - Via - Chhura, Police Station, District Gariyaband, Chhattisgarh
3. Rajesh Kumar Yadav S/o Late B.L. Yadav, Aged About 38 Years, R/o Sheetala Mandir Road, Pensionbada, Police Station City Kotwali, Raipur Chhattisgarh
4. Gautam Farikar S/o Sate M L Farikar, R/o HMT Chowk, Handipara, Police Station, Raipur, Chhattisgarh.
5. Lalaram Sahu S/o Shri J R Sahu, Aged About 38 Year, R/o Amlidih, Mahatma Gandhi Nagar, Police Station Raipur, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Education, Mantralaya, Mahanadi Bhawan Naya Raipur, Chhattisgarh
2. Chhattisgarh Boaed Of Secondary Education, Through The Secretary, Bairan Bazar - Pension Bada, Police Station Civil Lines, Raipur Chhattisgarh

---- Respondents

For Petitioners	:	Mr. N. Naha Roy, Advocate
For Respondents	:	Mr. Saleem Kazi, Dy. A.G. and Mr. Manoj Paranjpe, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/03/2019

1. The present writ petition has been filed challenging the recruitment process initiated for filling up the post of Assistant Grade-III vide advertisement published on 08.01.2018.
2. The challenge to the recruitment process in the present writ petition is on the ground that the result declared by the respondents was not in accordance with the resolution passed by the Executive-cum-Finance Committee of respondent no.2 dated 17.09.2012.
3. At the outset, this Court is not inclined to entertain the writ petition for the reason that the said ground was already taken in another writ petition i.e. WPS No. 1735 of 2018 and WPS No. 1693 of 2018 and one of the petitioners in the present writ petition was also a petitioner in the said writ petition. The said writ petition, at the first instance, was rejected by this Court vide order dated 01.05.2018 and it has also been affirmed by the Division Bench in Writ Appeal No. 531/2018 vide order dated 29.08.2018.
4. The contention of the counsel for the petitioners is that since this ground has not been adjudicated upon by the Court while deciding the writ petition as well as the writ appeal, the petitioners have filed the present writ petition.
5. This Court is of the firm view that if the petitioners had raised a ground and that has not been answered while deciding the writ petition, it would not be a ground for filing the subsequent writ petition. The petitioners could have raised the said ground before the appellate Court while challenging the order of the Single Bench at the first instance. The petitioners at that point of time also had not pressed upon this ground even before the appellate Court. It is informed that the ground was one

of the grounds raised before the Division Bench in Writ Appeal No. 531/2018.

6. Given the fact that this ground was already agitated and the writ petition was decided and the order of the writ petition was questioned before the appellate Court also, this Court is of the opinion that the present writ petition for the said reason would not be maintainable and the same stands dismissed.

Sd/-
(P. Sam Koshy)
Judge

Khatai