

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 201 of 2019

- Anil Kumar Tiwari S/o Radheshyam Tiwari Aged About 34 Years R/o Village- Nipnia, Bhatapara, Police Station- Bhatapara, Revenue District- Baloda Bazar- Bhatapara, Chhattisgarh.

---- Appellant

Versus

1. Deepak Kumar Thakur S/o Shri Lakhani Lal Thakur Aged About 33 Years R/o Vijaypur Beda Colony, Dr. Patel Gali, Raigarh, P.S.H. Chakradhar Nagar, Raigarh, District- Raigarh, Chhattisgarh.
2. State Of Chhattisgarh Through Secretary, Agricultural Department, Mantralaya, Mahanadi Bahwan, Naya Raipur, District- Raipur, Chhattisgarh.
3. Director Directorate Agriculture Engineering, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
4. Upper Director Agriculture Engineering Directorate, Raipur, District- Raipur, Chhattisgarh.
5. Joint Director Agriculture Bilaspur Division, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.
6. Agricultural Engineer Agricultural Engineering Division Bilaspur/Sarguja, Nutan Colony Infront Of Indira Vihar Colony Sarkanda, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.
7. The Chief Municipal Officer, Nagar Palika Parishad

Bhathapara, District- Baloda Bazar- Bhatapara,
Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Dinesh Tiwari, Advocate
For Respondent-State	:-	Ms. Richa Shukla, Dy. G.A.
For Respondent No.1	:-	Shri Rishi Rahul Soni, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Judgment on Board

By

Prashant Kumar Mishra, Ag. CJ

05/04/2019

1. While considering the challenge to the appointment of appellant on the post of driver in the establishment of Joint Director Agriculture Bilaspur Division, Bilaspur the learned Single Judge has observed that the break up of marks allotted to the appellant for each of the year during which he earned experience is not properly assessed. The learned Single Judge has, therefore, remitted the matter to the Appointing Authority/Selection Committee for re-consideration of the issue concerning allotment of marks over the head of experience.
2. Learned counsel for the appellant would refer to Annexure P-10 to the writ petition to highlight that the norms have

been laid down in the said document which needs to adhere however the direction issued by the learned Single Judge would evolve a new procedure for calculation of marks for experience which is not permissible in law.

3. Considering the fact that the learned Single Judge has only remitted the matter back to the Competent Authority/Selection Committee for considering the entire issue afresh, we are not inclined to interfere in this Intra Court Appeal, however, it is directed that while re-considering the issue of appointment of the appellant and evaluation of marks obtained by the appellant the Competent Authority/Selection Committee shall also evaluate the marks allotted to each of the candidate over the head experience.
4. It is also observed that the Selection Committee shall apply the same yardstick in relation to all the candidates and the appellant would not be singled out for evaluation of his marks for experience.
5. The appeal is disposed of with above direction.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Judge

Sd/-
(Parth Prateem Sahu)
Judge