

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****REVP No. 70 of 2019**

- Amarnath Dubey S/o T.N. Dubey Aged About 53 Years Presently Posted As Chief Municipal Officer, Bagthara, Mahasamund Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Urban Administration And Development Department, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh.
2. The Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhavan, Naya Raipur, District Raipur Chhattisgarh.
3. Pushpa Khalko W/o Jayaprakash Ekka Aged About 37 Years Posted At Nagar Palika, Bagicha, District Jashpur Chhattisgarh.
4. Khirod Bhoi S/o G.H. Bhoi Aged About 35 Years Posted At Nagar Palika Dongargarh, District Rajnandgaon Chhattisgarh.
5. Prahlad Pandey S/o Kashi Pandey Aged About 37 Years Posted At Nagar Panchayat Dabhra, District Janjgir Champa Chhattisgarh.
6. Netram Ratnesh S/o C.R. Ratnesh Aged About 48 Years Posted At Nagar Palika Parishad, Akaltara, District Janjgir Champa Chhattisgarh.
7. Sachit Kumar Sahu S/o M.R. Sahu Aged About 36 Years

Posted At Nagar Palika Parishad, Sakti, District Janjgir
Champa Chhattisgarh.

8. Satish Yadav S/o Late Anand Ram Yadav Aged About 41
Years Posted At Nagar Palika, Kamdol, District Raipur
Chhattisgarh.
9. Vikas Patle S/o C.B. Patle Aged About 37 Years Posted At
Nagar Palika Parishad, Gobra. Navapara, District Raipur
Chhattisgarh.
10. Gyan Punj Kulmitra S/o Late H.R. Kulmitra Aged About 46
Years Posted At Nagar Palika Parishad, Shivpur, Charcha,
District Korea Chhattisgarh.
11. Vishnu Prasad Yadav S/o Nandram Yadav Aged About 43
Years Posted At Nagar Palika, Gaurela, District Bilaspur
Chhattisgarh.
12. Mobin Ali S/o Tahir Ali Aged About 41 Years Posted At
Dantewada, District Bastar Chhattisgarh.
13. Dinesh Kosariya S/o Chedu Ram Komariya Aged About 43
Years Posted At Nagar Palika, Kharod, District Janjgir
Champa Chhattisgarh.
14. Smt. Madhulika Singh Chandel W/o Vineet Singh Chandel
Aged About 40 Years Posted At Nagar Panchayat, Malhar,
District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:-	Shri Dr. N.K. Shukla, Senior Advocate along with Shri Tarkeshwar Nande, Advocate
For Respondent-State	:-	Shri Gagan Tiwari, Dy. G.A.

Hon'ble Shri Prashant Kumar Mishra, Ag. CJ

Hon'ble Shri Parth Prateem Sahu, J.

Judgment on Board

By

Prashant Kumar Mishra, Ag. CJ

15/04/2019

1. After hearing learned counsel for the petitioner, we do not find any ground to review the order passed by this Court in the matter of **Pushpa Khalko and others vs. State of Chhattisgarh and another** in **WPS No.3793/2018** decided on **11.02.2019**, whereby this Court has struck down Schedule-IV of Chhattisgarh State Municipal (Executive Engineering/Health Services Recruitment & Conditions of Services) Rules, 2017 for the simple reason that petitioner cannot be allowed to re-argue the whole matter afresh.
2. Even if the petitioner was not a party before the writ Court and is adversely affected by the decision made by this Court, it always remains open for such party to take recourse to the legal proceedings available to him in law. In a matter where this Court has declared some part of Rule, 2017 as *ultra vires*, it is not necessary that in such matter all parties who may be affected by the decision are required to be joined in the writ petition. Petition was not individually

directed against the applicant but he is affected by the judgment pronounced by this Court declaring the Rule as *ultra vires*.

3. In above terms, review petition is dismissed.

Sd/-
(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ankit