

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURWA No. 200 of 2019

- Manoj Kumar Thakur S/o Late Bhaiya Lal Aged About 52 Years, Working As Lower Division Clerk At Municipal Corporation, Bilaspur, Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary, Nagariya Prashasan Evam Vikas Vibhag, DKS Bhawan, Raipur, Chhattisgarh.
2. Municipal Corporation, Through Its Commissioner, Municipal Corporation, Bilaspur, Chhattisgarh.
3. Rajendra Awasthi S/o Shri G.P. Awasthi, Aged About 43 Years, Working As Personal Secretary Commissioner, Municipal Corporation , Bilaspur, Chhattisgarh.

---- Respondents

For Appellant	:-	Mr. Vinod Deshmukh, Advocate
For Respondent No.1	:-	Mr. Gagan Tiwari, Dy.G.A.
For Respondent No.2	:-	Mr. A. S. Kachhawaha, Advocate
For Respondent No.3	:-	Mr. Ashish Shrivastava, Advocate

Hon'ble Shri Prashant Kumar Mishra, Ag.CJHon'ble Shri Parth Prateem Sahu,J.
Judgment On BoardByPrashant Kumar Mishra, Ag. CJ

04/04/2019

1. Admittedly, appellant and the respondent No.3 were working as daily wagers and came to be regularized pursuant to a policy decision by the State Government directing regularization of daily wagers. While the appellant was regularized on the post of LDC/AG-III, the respondent No.3 was regularized on the post of Assistant Grade-III/AG-3/Personal Secretary.
2. Challenge to the appointment of respondent No.3 on the post of Personal Secretary must fail and has rightly been rejected by the Single Bench for the simple reason that an employee cannot be permitted to seek regularization on a particular post of his choice. Respondent No.3 has not been appointed pursuant to any selection process, like the appellant, whose appointment also was not a result of any selection process. The respondent No.3 was chosen to be regularized as Personal Secretary based on various factors which might have weighed with the Authority, as has been observed by the learned Single Bench in paragraph 6 of the order. There is always an element of subjectivity in choosing Personal Secretary of the Head of Department, which cannot be subjected to judicial review unless something serious is pointed out against the said employee, which would dent his credentials to work as Personal Secretary.
3. The appellant having no right to the post of Personal

Secretary under any statutory provision, a writ petition simply challenging regularization of the respondent No.3 on a particular post has rightly been dismissed.

4. The Writ Appeal has no substance. It deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Misra)
Acting Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

Ayushi