

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2509 OF 2019**

Shekhar Kumar Soni S/o Shri Raju Prasad Soni, Aged About 27 Years
R/o Raju Pan Corner In Front Of Police Station Sitapur, District Surguja
Chhattisgarh.

...Petitioner(s)**Versus**

1. State Of Chhattisgarh Through The Secretary Health And Family Welfare Department, Mahanadi Bhawan, New Mantralaya, Raipur, District Raipur Chhattisgarh.
2. Director, Health Services, Nursing Training Branch, Postthore, Housing Board Complex Sector 27, Naya Raipur, Chhattisgarh.
3. Chief Medical and Health Officer, Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh.
4. Collector, Ambikapur District Surguja Chhattisgarh.
5. Trivendra Rajwade, S/o Jay Chand Rajwade, R/o Village Latori, Post Jamgala, Tahsil Lakhanpur, District Surguja Chhattisgarh.

... Respondent(s)

For Petitioner	:	Shri VK Pandey, Advocate.
For Respondent-State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05.04.2019**

1. Challenge in this petition is to the order dated 27.11.2018 (Annexure P/1) whereby the representation of the petitioner preferred against selection of respondent No.5 for training course has been rejected.
2. Facts of the case is that the respondents had issued an advertisement for selecting candidates to undergo training of Multipurpose Health Worker in District Surguja. The petitioner along with respondent No.5 and one Prakash Kumar Shrivastava had applied for the said post under unreserved category. Third person namely Prakash Kumar Shrivastava was found to be meritorious in the selection process and accordingly he was selected. However, he did not join the training course therefore an order was issued in favour of the respondent No.5 whose name appeared

at serial No.1 in the waiting list to join the training course within three days from 15.11.2018.

3. The grievance of the petitioner is that since the respondent No.5 did not join the training course within three days, his claim automatically stood rejected and fresh order should have been issued in favour of the petitioner herein whose name appeared next in the wait list.
4. According to the petitioner, the respondent No.5 however has given joining only on 22.11.2018 and which has been duly accepted by the respondent-management and he has been sent for training, which according to the petitioner is bad as on the failure of respondent No.5 to report for training within three days, his claim automatically stood cancelled and the authorities could not have revived the same.
5. This court, on perusal of records particularly the contents of Annexure P/1 is not inclined to entertain the writ petition for the reason that the respondent No.5 instead of three days has reported for training on 7th day. The reason assigned by the respondent No.5 is that issuance of offer of selection of the respondent No.5 dated 15.11.2018 has not been duly served upon him. There is no proof of the same having been served upon the respondent No.5 well within time also. Neither is there any averment in this regard.
6. In view of the same, if the respondents have accepted the joining of respondent No.5 on the 7th day from the date of issuance of offer letter, the same cannot be said to be in any manner arbitrary or malafide.
7. The writ petition therefore being devoid of merit deserves to be and is hereby dismissed.

Sd/-
(P. Sam Koshy)
Judge

