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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 290 of 2019**

{Arising out of Order dated 23.01.2019 passed in Writ Petition (S) No. 477 of 2016 by the learned Single Judge}

1. State of Chhattisgarh Through The Secretary, Government Of Chhattisgarh, Department Of Technical Education, Manpower, Science And Technology, Mahanadi Mantralaya, Mahanadi Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
2. The Director, Directorate of Technical Education, Manpower, Science And Technology, Indrawati Bhawan, Atal Nagar, District- Raipur, Chhattisgarh
3. The Principal, Government Engineering College, Purani Dhamtari Road, Village Sejbahar, Raipur, Chhattisgarh

---- Appellant

Versus

1. Dr. Smt. Rachana Rastogi W/o Dr. Nitin Rastogi Aged About 50 Years Occupation-Service, Presently Working As Lecturer Now Designated As Assistant Professor, At Government Engineering College, Raipur, R/o Professor Colony, Krishak Nagar, Jora, Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Raipur Chhattisgarh

---- Respondents

For Appellants/State	: Shri Siddharth Dubey, Deputy Government Advocate.
For Respondent No.1	: Shri Rajeev Shrivastava, Advocate.
For Respondent No. 2	: Shri P.K.Bhaduri, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**Per P.R. Ramachandra Menon, Chief Justice****29/07/2019**

1. IA No. 1 of 2019 has been filed to condone the delay of 58 days in filing the present appeal. For the reasons stated in the application, delay is condoned.

2. The verdict passed by the learned Single Judge on 23.01.2019 in Writ Petition (S) No. 477 of 2016, is under challenge in this appeal.
3. Heard Shri Siddharth Dubey, the learned Deputy Government Advocate for the Appellant/State, Shri Rajeev Shrivastava, the learned counsel appearing for the Respondent No. 1 and Shri P.K.Bhaduri, the learned counsel appearing for the Respondent-Chhattisgarh Public Service Commission.
4. The writ petition was filed by the Respondent No. 1 herein with the following prayers:
 - "i) That, this Hon'ble Court may kindly be pleased to quash the advertisement dated 17.12.2015 (Annexure P/1) bearing No. 13/2015/Examination, by the respondent No. 3/Chhattisgarh Public Service Commission for the post of Lecturer (Now Designated as Assistant Professor) (Chemistry).
 - ii) That, this Hon'ble Court may kindly be pleased to direct the Respondent authorities to regularise the services of the petitioner on the post of Lecturer (Now Designated as Assistant Professor) in Chemistry.
 - iii) Cost of the petition may also be granted to the petitioner.
 - iv) Any other relief, which this Hon'ble Court deems fit and proper, may also kindly be granted to the petitioner, in the interest of justice."
5. When the matter came up for consideration before the learned Single Judge, it was noted that the claim for regularisation of the Lecturers who were appointed on contract basis was not liable to be considered and that the new advertisement inviting fresh applications was correct and sustainable. It was accordingly that the writ petition filed earlier (Writ Petition (S) No. 2462/2017) was dismissed as devoid of any merit. This was taken in an appeal by way of Writ Appeal No. 14 of 2017, and as per the judgment dated 07.12.2018, the appeal was allowed whereby the verdict passed by the learned Single Judge was reversed and a direction was given to consider the case of the Appellant also for regularisation to the post in question with such other incidental reliefs. It was taking note of the said fact

and the sequence of events that WPS No. 477 of 2016 was disposed off in similar terms as contained in WA No. 14 of 2017. This made the State to feel aggrieved, who is now before this Court challenging the above verdict.

6. The contention of the Appellant/State is that the issue has not become final, as the same (judgment in Writ Appeal No. 14 of 2017 and connected cases) has already been subjected to challenge before the Supreme Court where the issue is pending as Special Leave to Appeal Nos. (C) No. 7864-7889/2019. It is also brought to the notice of this Court that, in view of the non-compliance of the direction given by this Court, Contempt of Court proceedings came to be filed, which was brought to the notice of the Supreme Court; upon which an interim order was passed on 05.04.2019 to keep the Contempt of Court proceedings in abeyance.
7. In the above circumstances, after hearing both the sides, we are of the view that the finality can be achieved only on pronouncement of the verdict by the Apex Court in the matter where the issue is pending. Hence, we are of the view that this matter need not be kept pending and the appeal could be disposed off in terms of the common verdict dated 07.12.2018 passed by this Court in Writ Appeal No. 14/2017; however, making it clear that the relief payable to the Respondent No. 1 will ultimately depend upon the legal position to be declared by the Apex Court in the matter which is pending consideration.
8. This appeal stands disposed off accordingly.

Sd/-
(P.R. Ramachandra Menon)
CHIEF JUSTICE

Sd/-
(Parth Prateem Sahu)
JUDGE