

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 5066 of 2019

Smt. Gomti Sahu S/o Shri Ramavtar Sahu Aged About 38 Years Working As Assistant Teacher (Local Body) At Govt. Primary School, Hasda, Block Abhanpur, District Raipur Chhattisgarh.

---- Petitioner(s)

Versus

1. State of Chhattisgarh Through its Secretary, Department of School Education Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh.
2. The Chief Executive Officer, Zila Panchayat , Raipur Chhattisgarh.
3. The Chief Executive Officer, Janpad Panchayat, Abhanpur, District - Raipur Chhattisgarh.
4. The Block Education Officer, Education Block - Abhanpur, District - Raipur Chhattisgarh.
5. Shri Mahesh Banjare (Reporter) S/o Shri Chakradhar, Aged About 38 Years R/o Village - Pacheda, Tahsil - Abhanpur District - Raipur Chhattisgarh.

---Respondents

For Petitioner	:	Shri RK Kesharwani, Advocate.
For State	:	Shri Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.07.2019

1. Challenge in this petition is to the impugned order dated 10.06.2019 whereby the respondent No.3 has submitted an alleged enquiry report to the respondent No.4 for appropriate action to be taken against the persons whose name is reflected in Annexure P/1. One such name is that of petitioner.
2. The allegation against the petitioner is that, at the time of appointment the petitioner did not have a live registration in the employment exchange and therefore the appointment of the petitioner is said to be bad in law.
3. The said allegation against the petitioner needs no further deliberation in the light of the Full Bench decision of this court in case of State of Chhattisgarh & Another Vs. Roshni Sahu, Writ Appeal No.411 of 2014,

decided on 21.10.2016, whereby the Full Bench of this Court has in very categorical terms held that requirement of live registration with employment exchange can never be a condition precedent for applying or for considering the employment.

4. In the light of the aforesaid judgment of the Full Bench referred to hereinabove, the allegation against the petitioner is not sustainable at all and the action of the respondents initiated against the petitioner, if it is confined only on the issue of petitioner not having a live registration, would not be sustainable. The impugned order dated 10.06.2019 therefore is set aside in the light of the order passed by the Full Bench in case of Roshni Sahu (Supra).
5. Needless to mention that in case if there is another drawback in the selection of the petitioner, the respondents would be at liberty to proceed further after following due process of law.
6. The writ petition accordingly stands allowed and disposed of.

Sd/-
(P. Sam Koshy)
Judge

inder