

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT PETITION (S) NO.2661 OF 2016**

1. Priyanka Agrawal W/o Shri Pradeep Agrawal, Aged About 34 Years
R/o Shiksha Nagar, Near Pratap Auto, Rajim Road, Abhanpur Distt.
Raipur Chhattisgarh.
2. Manisha Ragde D/o Shri Shiv Kumar Ragde, Aged About 30 Years
R/o Jai Gandhi Chowk, Bhoipara Near Kali Mandir, Ward No. 58
Brahamanpara, Distt. Raipur Chhattisgarh.
3. Top Ram Tondon S/o Shri Chandulal Tondon, Aged About 41 Years
R/o Village Nawagaon, Post Rakhi Manacamp Distt. Raipur
Chhattisgarh.

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

1. State of Chhattisgarh Through Secretary, Health And Family Welfare
Department, Mahanadi Bhawan, Naya Raipur, Chhattisgarh.
2. Controller Food And Drugs Administration, 4th Floor H O D Building,
Indrawati Bhawan, Naya Raipur, Distt. Raipur Chhattisgarh.

... Respondent(s)

For Petitioners	:	Smt. Surya Dangi, Advocate.
For Respondent-State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****14.03.2019**

1. The present writ petition has been filed seeking for a direction to the respondents to issue an appropriate order of appointment in favour of each of the petitioners who have been declared successful in the recruitment process initiated vide advertisement dated 28.12.2013.
2. The petitioners herein had participated in the recruitment process for the posts of Peon, Lab Attendant and Sweeper respectively. The petitioners were found selected in the said recruitment process along with other candidates who were also meritorious.

3. The grievance of the petitioners is that, from the merit list a group of 22 persons have already been granted appointment way back in May, 2015 itself. By the time, the appointment orders of the petitioners were to be issued, there was a writ petition filed before the High Court which was registered as WPS No.2028 of 2015. The said writ petition was filed challenging the recruitment process initiated vide advertisement dated 28.12.2013 in which the petitioners also had participated. The said writ petition was admitted by this court on 17.11.2015. However, no interim relief as such was granted except for making an observation as under :

“In the meanwhile, it is directed that if any recruitment is made, the same shall be subject to the final outcome of this writ petition”

4. The counsel for the State at this juncture submits that only because of the pendency of the said writ petition i.e. WPS No.2028 of 2015, the appointment orders in favour of the petitioners could not be issued. The State has filed its reply whereby so far as the petitioners having participated in the recruitment process and being selected is not in dispute. The contention of the State is that since there was already a writ petition filed before the High Court i.e. WPS No.2028 of 2015, the respondents have not issued any further orders. At the same time the State has also accepted the fact of 22 persons having been appointed prior to filing of the aforesaid writ petition.
5. Given the aforesaid factual matrix of the case, this court is of the opinion that since in the writ petition i.e. WPW No.2028 of 2015 there was no specific interim relief granted by the High Court against

the recruitment process initiated except for making an observation that any recruitment made would be subject to final outcome of the writ petition, this court is of the view that nothing prevents the State Govt. from proceeding further in issuance of the appointment orders if they intend to. However, it would always be mentioned that any appointment made by the State would be only subject to the outcome of the writ petition i.e. WPS No.2028 of 2015.

6. With the aforesaid observation and clarification, the present writ petition stands disposed of leaving it for the State to take an appropriate decision.

Sd/-
(P. Sam Koshy)
Judge