

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 6210 of 2019

Smt. Neerja Sachdev W/o Shri Rajesh Kumar Sachdev Aged About 45 Years R/o 22/13, Nehru Nagar, (West) Bhilai, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Secretary Higher Education Department, Mantralaya, Nawa Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission Through Its Secretary, Shanker Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. University Grant Commission Bahadur Shah Zafar Marg, New Delhi ., District : New Delhi, Delhi

---Respondents

For Petitioner	:	Mr. Prateek Sharma, Advocate
For State	:	Ms. Sunita Jain, G.A.
For Respondent No.2/CG PSC	:	Mr. Vivek Sharma, Advocate on behalf of Mr. Ashish Shrivastava, Advocate
For Respondent No.3/UGC	:	Mr. B.S. Rajput, Advocate on behalf of Mr. R.K. Gupta, Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19/08/2019

1. During the course of arguments, the counsel for the petitioner pointed out that one of the pages in the present writ petition stands missing. Accordingly, the petitioner is directed to rectify the said defect during the course of the day itself.
2. The prayer sought for by the petitioner in the present writ petition is for an appropriate direction to the respondents to consider granting appointment to the petitioner on the post of Assistant Professor in Chemistry subject pursuant to the order dated 25.08.2018 (Annexure P/6) issued by the respondents.

3. Counsel for the petitioner submits that the said order dated 25.08.2018 itself was outcome of the litigation which the petitioner and other similarly placed persons had filed i.e. WPS No. 3448/2017 and other connected petitions, which finally stood disposed of on 25.01.2018. Counsel for the petitioner further submits that as per the interim protection granted in the said bunch of writ petitions, one post was ordered to be kept vacant all along as directed by this Court.
4. The petitioner further referring to the correspondence made by the Additional Director, Higher Education Department dated 05.02.2019 (Annexure P/10) submits that the post in Chemistry subject against the sanctioned vacant post has been kept vacant referring to the petitioner's case and therefore the respondents may be directed to consider appointment of the petitioner against the said sanctioned vacant post. Since the said post is still lying vacant and there is nobody who would be ousted on the appointment of the petitioner, as per the order Annexure P/6 dated 25.08.2018.
5. Perusal of the record would show that a similar writ petition was also filed by another person similarly placed i.e. WPS No. 344/2019, which this Court had disposed of on 14.05.2019 directing the State Authorities to take an appropriate decision after due verification as to whether any dispute in respect of the post against which the petitioner has sought appointment is pending consideration before any forum including the High Court and also on verifying the fact as to whether on the appointment of the petitioner any third person already appointed would get adversely affected or not.
6. Given the said facts and the stand that this Court had taken in WPS No. 344/2019, this Court is of the opinion that the present writ petition also can

be disposed of in similar terms. Accordingly the present writ petition stands disposed of with a direction to the respondents No. 1 & 2 to take an appropriate decision so far as the claim of the petitioner for appointment is concerned after due verification of fact as to whether there is any dispute in respect of the appointment of the petitioner pending consideration before any forum and whether on the appointment of the petitioner any third party already appointed would get adversely affected or not?

7. Let an appropriate decision be taken within a period of 60 days from the date of receipt of the copy of this order.
8. With the aforesaid observations, the present writ petition stands disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved